

1 STATE OF CALIFORNIA
2 OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION
3 MEETING MINUTES - UNAPPROVED

4 September 25, 2009

5 Lake Arrowhead Resort
6 The Lake Arrowhead Ballroom
7 27984 Highway 189
8 Lake Arrowhead, California

9 IN ATTENDANCE:

10 **OHMVR COMMISSIONERS:**

11 Gary Willard, Chair
12 Mark McMillin, Vice-Chair
13 Brad Franklin
14 Eric Lueder
15 Kane Silverberg
16 Paul Slavik
17 Stan Van Velsor

18 **CALIFORNIA STATE PARKS OHMVR STAFF:**

19 Daphne Greene, Deputy Director, OHMVR Division
20 Phil Jenkins, Chief, OHMVR Division
21 Tim La Franchi, Legal Counsel, OHMVR Division

22 **OTHER OHMVR STAFF AND REGISTERED VISITORS**

23 **AGENDA ITEM I. CALL TO ORDER**

24 Chair Willard called the meeting to order at 9:06 a.m.

25 **AGENDA ITEM I(A). PLEDGE OF ALLEGIANCE**

Deputy Director Daphne Greene led the meeting attendees
in the Pledge of Allegiance.

AGENDA ITEM I(B). ROLL CALL

Seven Commission Members were present.

CHAIR WILLARD: Welcome everyone to the meeting

1 of the State of California Off-Highway Motor Vehicle
2 Recreation Commission. We're really pleased to have
3 our first meeting in Southern California. Sometime
4 last year the Commission decided that it was in
5 everyone's best interest to try to move our meetings
6 around and have them in different locations instead of
7 just in Sacramento. And the reason for that was to try
8 to give the public greater access to the Commission
9 because really that's what this Commission is all
10 about, receiving public input. We really do want to
11 hear from the public on the OHV program, the pros and
12 cons. So we really do encourage the public to come
13 out. We will be having more meetings throughout the
14 state. I'm sure we will be down in Southern California
15 again in the near future and the following years.

16 Yesterday we had a tour of the San Bernardino
17 National Forest, and I want to thank all of the staff
18 personnel from U.S. Forest Service who took time out of
19 their busy schedule to come tour with us, and it was
20 really a great experience for myself and fellow
21 Commissioners. We really get a lot out of having the
22 opportunity to get out on the trails and see what's
23 going on and and talk about some of the issues that the
24 U.S. Forest Service face and indeed that the public
25 faces in using the trail system. So it was a great

1 opportunity for us, and I'm sure we'll do more of those
2 in the future.

3 I also want to thank the members of the San
4 Bernardino National Forest Association for being out
5 there. What an awesome organization. So impressed
6 with their organization, their setup, the number of
7 volunteers, the commitment, the number of hours. It
8 was very impressive. Everything just seemed to be well
9 run. They've really got their act together.

10 And I want to acknowledge a fellow commissioner,
11 Mr. Paul Slavik, for his efforts early on in the
12 formation of getting that association going. He was
13 one of the early board members and was also
14 instrumental in getting Honda's involvement to the tune
15 of something like a million dollars in donations and
16 equipment. So, Paul, you are to be commended for your
17 efforts. (Applause.)

18 **AGENDA ITEM II. APPROVAL OF AGENDA**

19 CHAIR WILLARD: I'd like to ask for a motion to
20 approve the agenda.

21 COMMISSIONER LUEDER: Make a motion.

22 COMMISSIONER McMILLIN: Second.

23 CHAIR WILLARD: Call for the vote. All those in
24 favor?

25 (Commissioners simultaneously voted.)

1 CHAIR WILLARD: Okay.

2 **AGENDA ITEM III. APPROVAL OF MINUTES of July 16, 2009**

3 CHAIR WILLARD: I'd like to call for a motion
4 for approval of the last meeting's minutes.

5 COMMISSIONER McMILLIN: So moved.

6 CHAIR WILLARD: Any discussion on the minutes?
7 First of all, is there a second?

8 COMMISSIONER LUEDER: Second.

9 CHAIR WILLARD: Any discussion.

10 COMMISSIONER SLAVIK: I have some notes to bring
11 up later.

12 COMMISSIONER VAN VELSOR: On page 14, there was
13 a discussion by Deputy Director Greene regarding the
14 Department of Motor Vehicles' work on the green sticker
15 identification tags. And while it's probably not a
16 correction or really a question about the minutes, I'm
17 just wondering, you mentioned in your comments that you
18 were hopeful that it would be resolved or that there
19 would be a representative here to update us on that,
20 and so I'm just curious where that stands.

21 CHIEF JENKINS: We asked the Department of Motor
22 Vehicles to send a representative to address you and
23 put it on the agenda. Because of the budget restraints
24 they were under, they didn't feel it was possible to
25 send somebody this far away from Sacramento. They

1 asked to do that at the next meeting when we have one
2 in the Sacramento area. They will be addressing you
3 and giving an update in the future.

4 CHAIR WILLARD: Any other discussions on the
5 minutes? Hearing none, call for the vote. Those in
6 favor of the minutes?

7 (Commissioners simultaneously voted.)

8 CHAIR WILLARD: Motion passes. Minutes are
9 approved.

10 A little bit of housekeeping here, for those of
11 you who are not familiar with our process, if you'd
12 like to make a comment to the Commission, and we urge
13 public input, you need to fill out one of these two
14 forms, and they're labelled. One is for a specific
15 agenda item, and one is sort of a catchall for
16 non-agenda items. At eleven o'clock we will break from
17 the Commission's business to have a period where we
18 will just take general public input, and so that's
19 primarily where these would come in; otherwise, if it's
20 making a comment for one of the business items or one
21 of the reports, such as from the BLM and U.S. Forest
22 Service, the Deputy Director of the Division, you're
23 also welcome to comment on those. So after we hear the
24 reports, we'll discuss it and ask for public comments,
25 as well. Again, these are in the back. You can get

1 them, fill them out. You're welcome to fill them out
2 at any time. As long as they get to me before we move
3 on to the next item, that's fine. I'll acknowledge and
4 give you time at the mike.

5 Speaking of time at the mike, individuals are
6 limited to two minutes and individuals representing an
7 organization can have four minutes. And we're going to
8 be discussing that a little bit later. That's an
9 agenda item to talk about, and we'll seek public input
10 on that, as well. And we'll talk about it and see if
11 we want to change it, but that's the way we're going to
12 run this meeting.

13 COMMISSIONER SLAVIK: Chair, can we discuss the
14 workshop setting, if we're going to do it later? Or
15 maybe Deputy Director Greene can advise us so the
16 public knows what's going on in the afternoon.

17 CHAIR WILLARD: Go right ahead, Deputy Director.

18 DEPT. DIRECTOR GREENE: Good morning,
19 Commissioners, members of the public. I, too, want to
20 take a quick moment and say a special thanks to the
21 San Bernardino National Forest for hosting us on their
22 forest yesterday, and certainly the San Bernardino
23 Association for all their hard work, and I also would
24 like to thank the Commissioners and the members of the
25 public because I think the relaxed opportunity that we

1 have at these tours for interactions and good
2 discussions outside of the more official setting such
3 as today is really valuable for everybody. Plus, it's
4 nice just to be out looking at some of the challenges
5 and looking at some of the successes. So I want to
6 thank everybody for all of their efforts to attend the
7 meeting yesterday. All of the the Division staff
8 appreciates it. During the breaks we will have
9 slideshows for those of you who were not able to
10 attend, photos of what you missed.

11 In response to the question regarding this
12 afternoon, after lunch we will be breaking from this
13 traditional more formal format and breaking into the
14 OHV Commission workshop. This has been requested by a
15 number of Commissioners. This is an effort to hear and
16 have greater dialogue with the public about a variety
17 of issues so that the Commission can therefore begin to
18 establish a list of priorities that they may want to
19 focus on, whether it be at certain meetings or later
20 workshops, that they can be able to have that type
21 dialogue with the public.

22 So what we'll be doing after lunch is breaking
23 into groups. We have a facilitator who will come to
24 help guide us through that process and create
25 opportunities for good dialogue back and forth. So I

1 appreciate the Commissioners' decision to have this
2 type of workshop format, and we look forward to the
3 Commissioners maybe looking at identifying a couple of
4 those meeting dates as workshops for these excellent
5 opportunities for that dialogue.

6 COMMISSIONER SLAVIK: As far as the information
7 is gathered from the workshop setting -- maybe Tim can
8 answer this question -- rather than a court reporter
9 being there and getting every word, how are we going to
10 handle that?

11 DEPT. DIRECTOR GREENE: We're going to have
12 representatives from the Division at each of the tables
13 taking notes, but each one of the tables themselves
14 will probably have someone as a spokesperson for that
15 table.

16 **AGENDA ITEM IV(A). Commission Reports**

17 CHAIR WILLARD: First item on the agenda,
18 reports. Do any of the Commissioners that are on
19 subcommittees have any reports?

20 I have a very quick report in regards to the
21 alternative energy OHV park. I did meet with one of
22 the representatives from one of the manufacturers
23 recently, and they're definitely very keen on the idea.
24 It's still very, very early, very preliminary, and I
25 will continue to have discussions. And perhaps the

1 next meeting we can start to discuss something a little
2 bit more concrete. There's definitely interest from
3 the manufacturers and seeing what they can do to
4 stimulate the idea. Again, for those of you who may
5 have not been at the last couple of Commission
6 meetings, the idea is perhaps we might be able to
7 create an SVRA, an off-highway motor vehicle park in an
8 urban setting that was suitable for alternative energy
9 vehicles only, electric, who knows, hydrogen at some
10 point, or any other means besides combustion engines.
11 We are pursuing that. It's very early on, and we'll
12 see where that takes us.

13 COMMISSIONER VAN VELSOR: As far as the
14 Education Subcommittee, I would like to give an update
15 on that. Paul and I are the Education Subcommittee,
16 and we met a couple of times to discuss how we might
17 move forward in developing some outreach and education
18 programming. We've met with Division staff and got an
19 update on some of the programming that has happened in
20 the past and that is planned for the future. Also, the
21 Division is going to be giving an overview to our group
22 today as to where they are in some of the planning and
23 programing for outreach and education. And then we're
24 also going to be talking with the Division about the
25 OHV education stakeholder group and plans for convening

1 that group. So we are just sort of getting started in
2 that process.

3 CHAIR WILLARD: Thank you. No other reports, so
4 we can move on. Deputy Director, can you give us your
5 report for the Division.

6 **AGENDA ITEM IV(B). Deputy Director's Report**

7 DEPT. DIRECTOR GREENE: Just as an update, the
8 strategic plan is still going through to the Governor's
9 Office. We had a couple of bumps in the road as we
10 ironed out a couple of issues of concern. Just as a
11 reminder, it needs to go through approval from the
12 Director of State Parks, approval from the Secretary of
13 the Resources Agency, and final approval through the
14 Governor's Office. So our expectation is that we
15 should see that sometime soon, certainly by the next
16 meeting, as approval and release, and we will be able
17 to move forward with implementing the plan. So thank
18 you for your patience as we work through that.

19 On August 14th at Carnegie SVRA, there was a
20 fire that was started on one of the adjacent properties
21 which quickly turned and headed into the park. It
22 ultimately burned about 250 acres of the park. It was
23 closed for a little over a week. The staff there did a
24 valiant effort. Some of the challenges that occurred
25 when you have a fire coming into the park is the CDF

1 immediately arrives. So it's always that balance that
2 we have of trying to make sure you can get the fire out
3 but you aren't suddenly taking bulldozers and creating
4 all sorts of new roads in your park. We worked with
5 them in a very good fashion and also PG&E because there
6 were a lot of downed power lines that come through that
7 area. Luckily, mother nature worked with us, turned
8 the winds, and it headed eastwards to the town of
9 Patterson. There are currently portions of the park
10 closed because of that fire. We're working with
11 restoration crews with fencing, protective measures to
12 ensure that the lands remain stable. We heard a lot of
13 it yesterday in terms of what needs to be done after a
14 fire and then the opportunity to give the land some
15 rest. So that occurred at Carnegie.

16 And Connie Latham is here to update us on what
17 occurred with the fire at Mammoth Bar.

18 OHV STAFF LATHAM: Good morning. There was a
19 fire within the Auburn State Vehicle Recreation Area
20 and specifically the Mammoth Bar OHV area on July 16th.
21 Ironically it happened to start on the same date as the
22 last Commission meeting. The fire was contained by CDF
23 at approximately 650 acres. To put that in
24 perspective, it was over 70 percent of the OHV area
25 itself, so a huge impact there. That encompasses about

1 nine miles of trail. The north boundary of that fire
2 was the Foresthill Divide Road. The southern boundary
3 was the Middle Fork, then you head from Castle Rock
4 over to Huzza Bar, so a huge area. Mammoth Bar is kind
5 of on a south aspect slope that is very steep. So in
6 anticipation of the rain events that are going to come
7 this fall, there's probably going to be a lot of
8 erosion issues there.

9 So we have been supporting Mammoth Bar with some
10 technical assistance and a plan for restoration action,
11 as well as our trail crews going out there and giving
12 them some recommendations on how to mitigate some of
13 the impacts that are going to happen as a result of
14 this fire.

15 CHAIR WILLARD: Deputy Director, what percentage
16 of the riding opportunity at Carnegie do you think has
17 been closed and how long do you think it will remain
18 closed?

19 DEPT. DIRECTOR GREENE: At that point there was
20 a section already closed, a portion of the area that
21 burned was currently closed. I don't have it in miles.
22 In that particular area, right now we've closed
23 additional lands so that we can get in and do the work
24 that we need to do on the trail area. I can find out
25 for you the specific miles. But it is additional to

1 what is recreation opportunity so that we can assess
2 the damage and continue to set up a plan as to how we
3 are going to go in.

4 CHAIR WILLARD: Do we see these trails being
5 closed for months or a year or two?

6 DEPT. DIRECTOR GREENE: Certainly over a year.
7 I think we need to make sure that we do a proper job.

8 CHAIR WILLARD: And obviously you're going to be
9 monitoring erosion. That's, of course, the big factor
10 with fire.

11 DEPT. DIRECTOR GREENE: Absolutely.

12 OHV STAFF LATHAM: Within a week, all of those
13 trails at Mammoth Bar were reopened, and they are
14 opened at this time.

15 CHAIR WILLARD: Deputy Director, if you could
16 please continue.

17 DEPT. DIRECTOR GREENE: At this time, we have
18 Dan Canfield to give an update on the grant program.

19 **AGENDA ITEM IV(B)(2). Grant Program Update**

20 OHV STAFF CANFIELD: Good morning, Commissioners
21 and members of the public. I'm Dan Canfield with
22 California State Parks, OHV Division. I am a grants
23 administrator. I will be submitting a report, an
24 update on the OHV grant program.

25 First of all, I want to talk about the 2008/2009

1 OHV grant program, which has been the subject of some
2 of my previous presentations to this body. Since the
3 last Commission meeting, the grants team has been
4 working with successful applicants from the '08/'09
5 grant program, working to draft project agreements and
6 help the applicants get their projects going. You
7 might remember from the last meeting I reported we had
8 a total of 198 successful projects. So each one of
9 those had to have an agreement drafted, et cetera. At
10 this time most of those projects have project
11 agreements that have been fully executed. There are a
12 few stragglers that we're working with currently to
13 finish up. Some of the projects have begun work with a
14 start date of July 1st, which was the earliest possible
15 day for the projects to start. Some of the applicants
16 chose to have their projects start this October 1st to
17 coincide with the beginning of the federal fiscal year.
18 The Division has also mailed out soil compliance
19 reminder letters to all successful applicants that had
20 ground disturbing activities. This letter reminded the
21 applicants of their soil compliance report requirements
22 as part of the project.

23 Now looking forward to 2009/2010 OHV grant
24 program, we were fortunate that the funding for the
25 2009/2010 OHV grant program made it through the budget

1 process that has recently dominated the state
2 government. We're looking to kick off this new program
3 in January of 2010 at which time Division will be
4 presenting workshops to potential applicants giving
5 them technical assistance on the application process.
6 Once again, we'll be using our On-Line Grant
7 Application system, OLGA. So potential applicants will
8 now be using OLGA to get through the application
9 process.

10 In support of this upcoming grant cycle, the
11 Division has processed some amendments to the program
12 regulations. These proposed regulatory amendments are
13 currently working their way through the administrative
14 law process. Currently we are in a 45-day public
15 comment period for these proposed changes. This 45-day
16 comment period runs through October 12th, 2009. In
17 addition, the Division has scheduled two public
18 meetings to gather public input on these proposed
19 regulatory amendments, a meeting on October 1st in
20 San Diego and a second meeting on October 13th in
21 Sacramento. More information regarding these proposed
22 amendments and the meetings and information on how to
23 provide comment can be found at the Division website
24 grants page. This ends my report, and I'll be happy to
25 answer any questions.

1 COMMISSIONER McMILLIN: If the public comment
2 period ends on 10/12 and the public is in Sacramento on
3 10/13, are they going to be able to learn about and get
4 their comments in?

5 OHV STAFF CANFIELD: Absolutely. The meeting on
6 October 13th will be an opportunity for the public to
7 provide comment at the meeting and in writing, so in
8 addition to the 45-day general comment period.

9 COMMISSIONER McMILLIN: So they get to submit it
10 right then and there?

11 OHV STAFF CANFIELD: The public or interested
12 parties can submit comments today via e-mail, which the
13 information can be found on the website, through the
14 12th of October. Then they have an additional
15 opportunity to provide comments at those two meetings,
16 one which is on the 1st and one which is on the 13th.
17 The timing of the meeting is somewhat directed by the
18 administrative law process, which establishes these
19 time frames.

20 COMMISSIONER VAN VELSOR: Dan, would you be
21 willing to send me an e-mail copy of the soil
22 compliance?

23 OHV STAFF CANFIELD: Certainly.

24 DEPT. DIRECTOR GREENE: I just want to inform
25 the Commission and members of the public that we are

1 going to be sending out a mass e-mail saying that as an
2 effort to reduce the amount of paper we are sending out
3 to the public, if you would like to remove yourself
4 from that hardcopy and get an electronic copy, they
5 could do so. I just wanted to give people a heads up
6 that this is something we're going to do in the next
7 round. We didn't do it this time and surprise
8 everybody.

9 At this time we are going to turn it over to the
10 Chief for the legislative report.

11 **AGENDA ITEM IV(B) (3) . Legislation Updates**

12 CHIEF JENKINS: There are several pieces of
13 legislation that we've been tracking and reporting to
14 you on on a regular basis, and I'll give you a brief
15 summary update on where those stand.

16 First of all, Assembly Bill 134, that was the
17 bill that was put forward by Assembly Member
18 Blakeslee's office. As a reminder, this bill is the
19 one that would take the requirement that an operator of
20 an off-highway vehicle be able to reach and operate all
21 controls. And this is the legislation that would make
22 it such that the parent or responsible guardian of a
23 child would be the responsible party if that child
24 couldn't reach and operate all controls. For example,
25 if you place a nine-year-old on a big red Honda that's

1 designed for agricultural use and they can't reach the
2 foot brakes, then that's not safe, and this would allow
3 law enforcement to cite the parents instead of having
4 to cite the child. This bill has been very well
5 received in the two houses. There was not a single
6 vote against it as it moved forward. It's pretty much
7 sailed through the process. It was enrolled the 19th,
8 so it is at the Governor's desk and awaiting signature.
9 You may have heard it was returned by the Governor
10 recently. What had happened was in the midst of all of
11 the budget negotiations, it hit the Governor earlier.
12 The focus of everybody in the Capitol at the time was
13 on doing budget-related legislation so the time period
14 was nearing the end. So at the request of the author
15 it was returned. Once things settled down, they
16 resubmitted. So that didn't have anything to do with
17 whether or not there was wide support for this bill,
18 because there is. It's just the budget was the high
19 priority.

20 COMMISSIONER SLAVIK: The example you cited, the
21 nine-year-old and a big utility machine, we all know
22 there is a problem with the same nine-year-old that's
23 maybe six feet tall on a 90 cc vehicle that is
24 overcoming the controls. Has there been any
25 discussions along those lines?

1 CHIEF JENKINS: I'm not sure I know exactly what
2 you're saying.

3 COMMISSIONER SLAVIK: Children that are under
4 12-years old are required to ride machines that are too
5 small for them.

6 CHIEF JENKINS: I think what you're referring to
7 potentially, correct me if I'm wrong, is the ASI, the
8 ATV Safety Institute, has guidelines, and they won't
9 put children under certain ages on certain sized
10 vehicles to receive those ATV safety certificates.
11 However, if you are a parent or a guardian of a child
12 and you want them to be able to operate the appropriate
13 size vehicle if they're very large, and ASI won't train
14 them on it because of their policies, the parent or
15 guardian can get the ASI certificate and supervise that
16 child on an appropriate size vehicle for their
17 particular body size. So there is a way for them still
18 to be able to operate within the law because those ages
19 are not in law. Those are only in the ASI policy.

20 COMMISSIONER SLAVIK: Thank you.

21 CHIEF JENKINS: Moving on, Senate Bill 4 is
22 another one we've been tracking, not so much
23 specifically to OHV parks but to State Parks generally.
24 This was put forth by Senator Oropeza. This bill would
25 prohibit smoking throughout the State Parks system.

1 This bill has essentially stalled out and was placed on
2 the inactive file on the 15th of this month. So it
3 doesn't look like it's moving forward at this time.

4 There are two bills that are closely related,
5 one by Senator Kehoe and the other by Senator Wolk.
6 Senate Bill 372 by Senator Kehoe is a bill that was put
7 forward that would prohibit significant modification or
8 adjustments of boundaries of a park that is counter to
9 what that park was established for. And this bill and
10 the next one are both in response to things such as
11 proposals recently to build a very large area outside
12 of the historic park in Central Valley, proposals to
13 put major power transmission lines through Anza Borrego
14 Desert State Park. What was found was that as these
15 proposals were made and as various bodies of the
16 government were responsible for approving or not
17 approving those actions, it got kind of confusing for
18 the public about who do you go to to protest this. So
19 this bill put forth by Senator Kehoe would make it such
20 that any change to the use of a unit of the State Parks
21 system, that would include the State Vehicle Recreation
22 Areas, so any change in use would have to be approved
23 by the Commission. And if you read the bill, it states
24 the State Parks and Rec Commission. But remember that
25 any time that they refer to State Parks and Rec

1 Commission with regard to a power of the Commission for
2 State Parks, it refers to you, this Commission, and
3 your authority over the SVRAs, as well. So it goes
4 without saying that this is talking about, at the end
5 of the day, any change to the use of a State Vehicle
6 Recreation Area would have to first be approved by you,
7 the Commissioners, and then by the Legislature after
8 that. So on your recommendation to the Legislature is
9 the only way that we could, for instance, turn an SVRA
10 into some other use. So this bill was enrolled, sent
11 to the Governor on the 15th of this month, as well. So
12 that's awaiting signature.

13 So Senate Bill 79 is very similar to it. It
14 says that existing law does not provide clear,
15 unambiguous policy for protecting State Parks, and this
16 bill states the commitment for State Parks to be
17 perpetually safeguarded for uses for which they were
18 purchased; so very similar to the last one. It also
19 was sent to the Governor's desk for signature on
20 September 11th. Those were the main pieces of
21 legislation that we're tracking.

22 Are there any questions?

23 COMMISSIONER McMILLIN: I was curious, what
24 happened to SB 615 in the last three months?

25 CHIEF JENKINS: 615, Ashburn, this is the one

1 that authorizes local authorities to issue permits, and
2 this is one that was related to California City and
3 those highways down there. They were those public
4 highways where you would be allowed to operate an OHV
5 on the public highways. It was set for hearing back on
6 May 6, which never occurred, and there has been no
7 movement on it since then. So it has, for all intents
8 and purposes, stalled, and there hasn't been any
9 movement on it recently. So there's been no change.
10 It looks like it may just be hovering in that limbo of
11 waiting for perhaps the next session of the
12 Legislature. It's a two-year statute. So all of these
13 bills, if they haven't been killed, just like this,
14 there are a number of bills that didn't move. They
15 stay there and on year two of the two-year session,
16 then they can be revived on the floor. But as they've
17 just completed this session, since it didn't move, it
18 just holds over until the next session.

19 COMMISSIONER McMILLIN: Ed, do you have an
20 update?

21 ED WALDHEIM: Ed Waldheim, California City. One
22 of the things that's happening is that the City of
23 Twenty-Nine Palms, the City of Ridgecrest and other
24 cities want to do a likewise type of thing that we are
25 doing in California City, and it's kind of muddying the

1 waters. We did it at 250-square miles, or what our
2 city is, and there are no other cities around that will
3 be affected by this bill. So now with others wanting
4 to do the same thing, and that is getting OHV access
5 into the community for food and gas, we're trying to
6 figure out how can we resolve these issues. Senator
7 Ashburn has to figure out if we can work with other
8 agencies. So there are different cities trying to work
9 with Ashburn on that bill. That's why you haven't seen
10 anything upfront on that.

11 COMMISSIONER McMILLIN: Did the automobile club
12 support it?

13 ED WALDHEIM: They still are opposed to it.

14 COMMISSIONER McMILLIN: Did we send a letter
15 about that? We talked about it as a commission, but I
16 don't know if it was cemented.

17 CHIEF JENKINS: We have not.

18 COMMISSIONER McMILLIN: We talked about that
19 last time. I would like to see us do that. For
20 communities that support OHV, it would be nice if the
21 OHVs could get into the communities to support the
22 communities.

23 CHAIR WILLARD: That's one of the things we'll
24 be talking about in the first business item on how we
25 take action. I think at this time if you'd like to see

1 us take an action, you probably need to put it on the
2 next agenda. Unless staff counsel has some other
3 suggestions, I think that's the most appropriate way to
4 deal with it. So if you would like the Commission to
5 consider taking an action, which would be potentially a
6 letter, then we need to agendize it for the next
7 meeting.

8 CHIEF JENKINS: There are two other pieces that
9 I might as well report on at this time. One of them
10 was Senate Bill 435 by Senator Pavley. This is the one
11 that would have required Consumer Affairs to include
12 model year 2000 or newer motorcycles to a biennially
13 smog check program. This bill on the 12th of July went
14 to Assembly Transportation Committee. It was set for
15 hearing, and it was cancelled at the request of the
16 author. So it looks like this one was pulled back by
17 the request of the author. To date there has been no
18 change on that.

19 And there was one piece of federal legislation
20 that we had given presentation at a previous Commission
21 meeting on, and this was HR 689 by Herger. This one
22 was read twice and then it was referred to the
23 Committee on Energy and Natural Resources on the 23rd
24 of June. So there has been no further action on it
25 since that time. This is that piece of legislation

1 that would take some federal lands from the
2 Shasta/Trinity National Forest Service and transfer
3 them to BLM in exchange for moving some BLM lands back
4 over. It was an effort to consolidate boundaries for
5 the OHV riding area in the Chappie Shasta OHV riding
6 area. It was changed. On September 15 it was
7 introduced to the Senate at S 1328, sponsored by
8 Feinstein and Boxer, so if you're tracking this, in the
9 future you've got to track it under now a new bill
10 number, 1328.

11 DEPT. DIRECTOR GREENE: And I think BLM, Jim
12 Keeler, may be able to provide some more information on
13 that. The Commission had requested that a letter go
14 out in support of that bill. We waited for a period of
15 time, and now Senator Feinstein has taken this bill on.
16 We submitted a letter, and we'll make sure you get
17 copies of that letter. So we are tracking that and
18 hope that it will continue to move through. This is
19 now referred to as S 1328, formerly HR 689.

20 CHAIR WILLARD: Is it referred to in some other
21 way besides the number, like the such and such bill?

22 DEPT. DIRECTOR GREENE: Chappie Shasta. Perhaps
23 Jim Keeler and Marlene Finley will be able to give us
24 more on that.

25 COMMISSIONER VAN VELSOR: When was the letter

1 sent?

2 DEPT. DIRECTOR GREENE: That was last week that
3 we sent that letter out.

4 COMMISSIONER VAN VELSOR: You're going to be
5 sending us copies?

6 CHAIR WILLARD: That was a letter from the
7 Division, not the Commission.

8 DEPT. DIRECTOR GREENE: From the Commission on
9 behalf of support of this bill.

10 COMMISSIONER SLAVIK: Are we going to get an
11 update on Senator Feinstein's wilderness bill, monument
12 bill?

13 DEPT. DIRECTOR GREENE: At this in time, until
14 that bill is released, the agency is not able to
15 discuss a bill that has yet to go out. We're waiting
16 to hear from that.

17 COMMISSIONER McMILLIN: If my wanting to get a
18 bill out of another deal needs to be agendized for the
19 next meeting, was this bill on our agenda for the last
20 meeting?

21 DEPT. DIRECTOR GREENE: We spoke about this bill
22 two meetings ago when we were in San Jose. At that
23 point in time, we introduced it. As you recall, Chief
24 Jenkins did an overview with Jim Keeler on the bill.
25 Is that the one you're referring to, 1328?

1 COMMISSIONER McMILLIN: The one you just sent
2 the letter out on.

3 DEPT. DIRECTOR GREENE: Yes.

4 COMMISSIONER McMILLIN: I don't believe we've
5 seen that letter yet.

6 DEPT. DIRECTOR GREENE: We're going to be
7 distributing that letter. My apologies, it needs to go
8 out. We'll send that in e-mail form to you.

9 COMMISSIONER McMILLIN: Post mailing it off?

10 DEPT. DIRECTOR GREENE: Commissioner Willard and
11 I coordinated with that, along with Commissioner
12 Lueder.

13 COMMISSIONER McMILLIN: Thank you.

14 DEPT. DIRECTOR GREENE: I thought you were
15 referencing the Ashburn bill. Do you want that
16 agendized for next meeting; is that a request that you
17 would make at this time?

18 COMMISSIONER McMILLIN: Yes, it is.

19 COMMISSIONER LUEDER: I have a question on a
20 different issue regarding the budget. At our last
21 meeting, we discussed the state budget and all of the
22 effects that it would have on the OHV program, along
23 with State Parks. And I was just wondering if you
24 could give us an update on that, along with any
25 proposals that may have come out that could affect OHV

1 programs as far as future legislation or initiatives.

2 CHIEF JENKINS: That's a very fluid picture
3 right now, as they say. The latest information that we
4 have so far, there have been no future changes in the
5 OHV program budget, so our budget for operations and
6 the grants program, both are still completely intact
7 for the current year. Every indication is that they
8 will be funded in the coming year, barring some further
9 catastrophic change in the state's economy. Of course,
10 that has to wait for the Governor's budget to come out,
11 but there has been no indication of a problem hovering
12 on the horizon that would affect that.

13 There had been some concern on our part for
14 changes to the State Parks budget, the other half of
15 the department could roll over and impact the Division.
16 So far the department has been very good about working
17 with us to prevent that from happening. So all the
18 news articles that you may have seen about the
19 potential closure of state parks, at various times
20 reported as 50 or 100, there is all sorts of
21 speculation, if you will, out there in the press about
22 what might be happening with that, that whole world of
23 how they deal with that side of the budget has not
24 rolled over and directly impacted our program. It
25 doesn't mean that it still might not at some future

1 date impact us or potentially impact some of our
2 employees concerning if there were a layoff that
3 occurred in the other half of the department, some of
4 those people that were laid off might be senior to
5 people in our side of the program, and so they would
6 have the ability to come over because of union rules
7 and bump because of seniority. Like I say, that is a
8 picture that changes on a daily basis. I don't have
9 accurate information on exactly what's going on with
10 the other side of the department's budget. But every
11 indication right now is that we're going to be okay on
12 this side of the program, and they should continue
13 efficiently moving forward, if you will.

14 DEPT. DIRECTOR GREENE: However, that does not
15 mean that we have not had some significant impacts to
16 some of the operation of our parks because once State
17 Parks, regardless of whether or not it's the operation
18 side or the Division, says that we need to go into
19 layoff mode, what that has essentially meant is a
20 hiring freeze. So we have some significant vacancies
21 in our SVRAs of staff that those positions need to be
22 filled, and right now we are unable to fill them. It
23 is having a significant impact on our operation. So
24 our hope is that we can try and resolve this as soon as
25 possible and get some clarity on the budget issue and

1 the impacts it will have and continue to move forward
2 with a layoff plan implementation or not. So just
3 because we may be separate houses, the impacts are
4 significant, and you'll hear today in some of the
5 presentations, even on the education program, its
6 impact on the parks.

7 COMMISSIONER VAN VELSOR: Are Division staff's
8 salaries covered by the General Fund or are they
9 covered by the Trust Fund?

10 CHIEF JENKINS: All costs for the Division,
11 salaries included, are covered by the Trust Fund. We
12 don't touch any money from the General Fund. There is
13 one very minor exception to that, Oceano Dunes, where
14 we have a small section, North Beach Campground and
15 Oceano Campground, those are general fund units. So if
16 you were to look into the Governor's budget, you would
17 see a very, very small piece, I think it's several
18 hundred thousand dollars, that comes to assist us in
19 operating that unit just because it's associated with
20 our unit, and it made sense within the organization
21 originally for us to do so. Other than that one very
22 minor exception, we are 100 percent funded by the Trust
23 Fund.

24 COMMISSIONER VAN VELSOR: I guess I'm confused,
25 and I can't find it offhand, but somewhere in the

1 SB 742 language, support of the Division does not
2 include costs incurred by or attributable to the
3 director or the director's immediate staff, or their
4 salaries. What does that mean?

5 CHIEF JENKINS: So in this case the department
6 director is Ruth Coleman, and so that is ensuring that
7 if Director Coleman were to travel to the SVRAs, that
8 would be paid out of the General Funds and the other
9 support buckets that fund her office and her
10 activities, and that would not be charged to the
11 program.

12 COMMISSIONER VAN VELSOR: I was interpreting
13 that it referred to the Deputy Director and her staff.

14 DEPT. DIRECTOR GREENE: And then, finally, last
15 Thursday, the Department of Parks and Recreation, the
16 OHV Division, we were served with an action asserting
17 at Carnegie SVRA that we are in violation of the Clean
18 Water Act. This is an action that has resulted in
19 discussions and legal action, and so I'm going to turn
20 it over at this time to Tim LaFranchi.

21 COUNSEL LA FRANCHI: At this point the
22 litigation alleges violations of the California's
23 version of the Federal Clean Water Act.

24 Basically, we're in very early days of this
25 litigation. Just to give you a little bit of

1 background, the lawyers for the petitioners were PEER,
2 a public employees' representative group, and Sport
3 Fishing Association provided or made a public records
4 request of the Division over a year ago and spent
5 several days going through the records pertaining to
6 water quality management at Carnegie and also made a
7 public records request of the Central Valley Regional
8 Water Quality Control Board. The litigation
9 essentially acknowledges quite a number of efforts that
10 have gone on and are going on in terms of the
11 protection of water quality. There is an extensive
12 watershed evaluation report that was done at Carnegie,
13 a number of projects have been implemented.

14 But after acknowledging all of that, the
15 petition alleges two things. Essentially, one is that
16 the efforts that have gone on at Carnegie and are going
17 on do not go far enough to comply with the California
18 Porter-Cologne Water Quality Act. And there are other
19 minor aspects of the litigation, but these are the two
20 key ones that I picked out from reading the complaint
21 on Tuesday. The second piece of it is that the SVRA
22 has not complied with the Division's requirement for
23 compliance with the soil and wildlife habitat
24 protection standards.

25 The petition sought immediate relief from the

1 court on the water quality issue, the Porter-Cologne
2 issue, by requesting that the court order immediately
3 the department to submit a report of waste discharge to
4 the Central Valley Regional Water Quality Control Board
5 and obtain requirements from the regional water quality
6 control board for discharges.

7 And essentially what the litigation alleges is
8 that by reason of the motor vehicle activity on the
9 park, that creates sediment and other discharges from
10 the motor vehicle activity that run into Corral Hollow
11 Creek at Carnegie, and those waters eventually end up
12 in the groundwater of the state. And Porter-Cologne
13 requires that the Regional Water Quality Control Board
14 issue that the department comply with water quality
15 discharge requirements.

16 We're still evaluating the effect of that order.
17 The judge essentially granted the request by the
18 petitioners for immediate relief, and at this point
19 we're still evaluating what the response is going to
20 be. But there are basically three options in that
21 order. One is the department is ordered to immediately
22 submit a report of waste discharges to the Regional
23 Water Quality Control Board, and, secondly, to cease
24 operations until that's been done or the water control
25 board has granted some sort of conditional waiver of

1 that requirement pending the outcome. And then the
2 court set a December 4 date for what they call an order
3 to show cause, which would be the Division's
4 opportunity to go back to court and explain why that
5 court order should be either modified or rescinded
6 because for whatever reasons. So we're still
7 evaluating that.

8 As we say, we're still in the very early days on
9 this litigation. Even though the public records
10 request was requested over a year ago, we've known
11 they've been looking at this issues. It wasn't until
12 just about 15 days ago that we knew, there was notice
13 or an indication they were actually going to file a
14 lawsuit. The seven-day courtesy letter came to the
15 Division indicating that these groups intended to bring
16 the lawsuit and giving the department an opportunity to
17 try to work with the petitioners and see if there was
18 something that could be done in the seven days. They
19 had some discussions, weren't able to come up with a
20 resolution, and a week ago yesterday the department was
21 actually served with a stack of papers, the actual
22 lawsuit. And the notice that day was given that the
23 petitioners would be in court on what they call an
24 ex parte motion, which is basically they ask the court
25 to issue an order, and the other side really doesn't

1 have an opportunity to respond effectively. So
2 basically the Attorney General's Office went into
3 chambers on this Tuesday and argued that the court
4 shouldn't issue the order.

5 It's still very early days; haven't had a lot of
6 time to really evaluate all of the complaint, all of
7 the issues, and at the end work out strategy, but that
8 will be going on vigorously in the next several days
9 leading up to October 27th when a written brief is due
10 from the state to the court in preparation for that
11 December 4th hearing.

12 So right now, very early, we have an idea, two
13 real issues are on the table, vehicle discharges are
14 causing water quality issues, the state is out of
15 compliance with California's water quality, and a
16 second phase down the road that the issues will address
17 is the soil standards and compliance with soils and
18 water standards with the SVRA.

19 CHAIR WILLARD: Thank you for the report.
20 Obviously this is something to be concerned about. I
21 have every confidence that the Division is operating
22 Carnegie, much like we do all of the SVRAs, in the most
23 professional manner and that we've done an appropriate
24 job of monitoring and mitigating for the two issues
25 that have been presented. And I understand this is

1 ongoing litigation, so you probably can't answer
2 questions that we might have, and that's understood.
3 So that said, I would like to know what was the genesis
4 of this litigation? Were there downstream parties that
5 were complaining about sediment, or is there some other
6 reason for this complaint?

7 COUNSEL LA FRANCHI: I think at all of the
8 SVRAs, there are regularly issues that come up.
9 Similar issues have come up at Oceano Dunes in the
10 past, and the regional water quality board down there
11 has said that the vehicle activity there doesn't
12 constitute a discharge that's subject to the water act.
13 So these issues come up very regularly.

14 These two groups have been very active, the
15 California Sport Fishing Protection Alliance, PEER not
16 so much. They're kind of a new player on the water
17 quality front. But these points come up, and this
18 appears to me to be the first real serious test of that
19 allegation, that vehicle activity on an SVRA and the
20 sediment that's caused. This will be the first real
21 court test of that issue. So it is significant from
22 this standpoint, but maybe Phil, Daphne or other staff
23 have other information about where these concerns are.
24 But these two groups have long been concerned about
25 compliance with all sorts of conservation environmental

1 issues and water quality compliance and that sort of
2 thing.

3 DEPT. DIRECTOR GREENE: I wouldn't want to
4 speculate on behalf of those two groups. I would say
5 that certainly it is of concern to us, and even before
6 any action, water quality is a concern to us. And so
7 we certainly would like to have that opportunity to
8 move forward with this process and be able to have our
9 case heard.

10 COMMISSIONER SLAVIK: I wonder if it's
11 appropriate if we make a motion here as a commission to
12 ask the Division to aggressively defend itself in this
13 case. I don't know quite the wording to this, but just
14 we understand where your position is, and we don't want
15 to roll over at some point.

16 COUNSEL LA FRANCHI: I thought about that a
17 little bit. First of all, the Commission is not a
18 named party, so the Commission is really not a party in
19 this action. But certainly the Commission has a role
20 in understanding activities that are going on out there
21 in the world that impact the program, and this is one
22 of them.

23 I would suggest what the Commission do is
24 vis-a-vis a later discussion about items on the agenda
25 and how to address and be able to take actions

1 effectively when this comes up. And after the
2 December 4 hearing, by then we should have a little
3 clearer idea of what we can discuss with the Commission
4 publicly, what's out there publicly, what the courts
5 have said, what documents have been filed that are
6 public information, so we wouldn't be running a risk of
7 waiving attorney/client privilege. So maybe at your
8 next meeting get a little better update, put this on
9 the agenda for follow up. And if the Commission wants
10 to state a position along the lines that you talked
11 about, that would be appropriate at that point, but to
12 give you a little better information, a little better
13 sense of what's kind of happening that can be shared
14 publicly.

15 CHAIR WILLARD: Are we the sole defendant?

16 COUNSEL LA FRANCHI: Yes. The department; the
17 Division; and Deputy Director Daphne Greene; Bob
18 Williamson, the district superintendent; and Ruth
19 Coleman. The directors in their official capacities
20 are named because any order that the court issues would
21 be directed at those individuals to implement the
22 order. So those are essentially the four parties at
23 this point that are named.

24 CHAIR WILLARD: Any other comments before we
25 move on?

1 DEPT. DIRECTOR GREENE: We still have the public
2 safety updates.

3 OHV STAFF PELONIO: Good morning, John Pelonio,
4 Public Safety Superintendent, OHMVR Division
5 Headquarters. Since the last Commission meeting in
6 July, I attended the search and rescue coordinators
7 group for the state. While I was there, I spoke with
8 representatives from six county sheriffs departments to
9 discuss OHV issues. The supervising rangers from the
10 Division assisted with Beach play day, which we had a
11 report on before. One of the supervising rangers made
12 an unannounced patrol through Wonder Valley area where
13 we had those reports of trespass issues. In her
14 report, she found no evidence of OHV activity, but the
15 temperature was 104 degrees so not exactly ideal
16 conditions to be out riding.

17 You already had reports on the Mammoth and
18 Corral fires. The Station fire in Angeles National
19 Forest had the forest pretty much closed down. It's
20 hard to get information because the Forest Service is
21 obviously actively involved in fighting that fire. But
22 from what I can tell from the maps that are available
23 on the Internet, it doesn't look like the OHV riding
24 areas are being impacted yet. That fire is 98 percent
25 contained with 160,000 acres. I assume that's going to

1 impact some individual routes that OHVs are operated
2 on, but the three main OHV areas, so far it looks like
3 are not going to be impacted.

4 One of the supervising rangers assisted at
5 Oceano Dunes for the Labor Day weekend. One attended
6 the Rubicon Oversight Committee and the public hearing
7 on the Rubicon Little Sluice Project. Members of my
8 team conducted site visits to three national forests
9 and three sheriffs departments.

10 And just to elaborate a little bit on the
11 question of being able to reach all controls of a
12 vehicle, often people don't realize that law does apply
13 to someone who is very large on a very small vehicle
14 where they can't reach and operate all controls. So if
15 you had an six-foot tall, 200-pound person on a 50 cc
16 dirt bike and they were unable to turn the handlebars
17 to steer, in theory that section would apply. It's
18 pretty rare that someone would be issued a citation for
19 that, but I have used it myself as a reason to contact
20 and talk to somebody about safety.

21 Do you have any questions?

22 COMMISSIONER VAN VELSOR: John, can you expound
23 a little bit on what's involved in the site visits to
24 the national forests?

25 OHV STAFF PELONIO: The supervising rangers, my

1 team, schedule site visits, and it generally includes
2 multiple agencies. So, for example, one of them
3 recently was Los Padres National Forest, and they might
4 bring in the sheriff's department that also patrol in
5 the forest and are adjacent to the forest, and in this
6 case because Los Padres and Hungry Valley are right
7 next to each other, and they have to work together. So
8 we bring all of those agencies together and talk about
9 the issues and potential solutions to the problems.
10 Our supervising rangers share their expertise on
11 different ideas on how to resolve issues. They go out
12 and look at the problem areas and do a little basic
13 report on what was discussed.

14 The big push is to get the different agencies
15 working together to come up with creative solutions to
16 problems and ways that we can help them, also make them
17 aware of resources the Division has that we can provide
18 for them.

19 COMMISSIONER McMILLIN: Yesterday at the first
20 stop you held up a little book that you mailed to these
21 people on laws. Could we get a copy of those?

22 OHV STAFF PELONIO: Yes, it's the Law
23 Enforcement Reference Booklet. It's made so that the
24 officers can carry it with them. As you know, the
25 Vehicle Code is about that thick, Penal Code and all

1 these other code books. This is what they take out
2 when they want to write a ticket or give a written
3 warning, to be able to write down the code number and
4 brief description of it. So it is available to any law
5 enforcement agency. We send them out quite a bit.

6 DEPT. DIRECTOR GREENE: Keeping in mind that is
7 really sort of the CliffNotes version. I think that's
8 sometimes where the angst comes, but certainly we'll
9 share them with you.

10 And also, John, if you would, just an update on
11 the CCR at Oceano Dunes, and then I actually have two
12 other issues.

13 OHV STAFF PELONIO: We have been working with
14 Assembly Member Blakeslee on changes to the California
15 Code of Regulations specific to Oceano Dunes SVRA,
16 something to address safety and especially relative to
17 youth. So we've been working through the regulatory
18 process on that. We are about ready to submit our
19 final documents to the Office of the Administrative Law
20 that would implement a regulation to take effect
21 hopefully January 1st that would allow officers to take
22 law enforcement action when there's unsafe activity
23 that endangers a child but doesn't rise to the level of
24 child endangerment or reckless operation. So if it
25 rises to that level, we already have a means to deal

1 with that. But in order to prosecute that, often you
2 actually have to have an injury to the child, and our
3 goal is to reduce injuries to the children. We don't
4 want to have to wait until there's an injury to take
5 law enforcement action. This is a tool to allow us to
6 make that contact before the injury occurs and try to
7 educate the parent and get them to comply. But if they
8 refuse to comply or if we come back later and they are
9 doing the same thing, this will give us a tool where we
10 could actually issue a citation to the parent.

11 It also brings whip and flag regulation into
12 consistency with the whip and flag requirements at
13 Imperial Dunes and Dumont Dunes. So if you have a whip
14 and flag that's compliant there, it will be compliant
15 here, and it's required for all vehicles in the dunes
16 just like at Dumont Dunes and Imperial Dunes.

17 CHIEF JENKINS: And just a little bit of
18 elaboration on that, what had spurred that was some
19 frustration expressed by community members out in the
20 dunes that were operating that wanted to know why we
21 didn't more aggressively enforce reckless driving out
22 on the dunes. There is current Vehicle Code wording
23 about if you're operating a vehicle on a highway you
24 can't operate in unsafe conditions, at a speed greater
25 than is safe for conditions. That takes into account

1 that the speed limit may be 65, but if there is
2 extremely heavy fog on the road, the safe operating
3 speed may be significantly lower. That California
4 Vehicle Code section didn't apply out at the dunes.

5 So what John was describing there is what we run
6 into quite frequently, particularly at Oceano Dunes
7 where it's a wide open sand sheet in the back area.
8 When we go to court to try to get a citation for
9 reckless driving, et cetera, all of the typical
10 landmarks that an officer would use, they're passing
11 inappropriately or weaving inside the lane, all over
12 the trail, going off the edge of the trail, on an open
13 sand sheet that was a little bit more difficult for
14 officers.

15 So this regulation essentially takes what we
16 were able to do out on highways or on areas where there
17 are clearly marked trails and be able to get that same
18 sort of compliance out on the open sand dunes. So this
19 will, as John indicated, be a nice tool, and it will
20 specifically be directed to those egregious situations
21 where somebody is clearly operating a vehicle outside
22 the bounds of what would be safe for the surrounding
23 community of users.

24 DEPT. DIRECTOR GREENE: As a follow up to a
25 report at our last meeting on the discussion of the

1 inappropriate illegal use that had gone on at a meadow
2 in Stanislaus National Forest, we have continued to
3 stay in contact with the Stanislaus on this issue.
4 There were a number of clubs and conservation groups
5 that had serious concerns about that inappropriate
6 behavior, and more importantly as well is the damage
7 that was done to that meadow.

8 At this point in time, I think as we had
9 discussed at the last meeting, there are clubs that
10 would like to go up and do some work. We checked back
11 in with the Stanislaus, and they still are not wanting
12 to do anything because of the sensitive nature of the
13 area. I'm not sure if the Forest Service may have
14 update on that or not. I wanted to make sure that the
15 Commission knew that we are trying to look at that and
16 make sure that we're there to collaborate and try to
17 address some of those issues. That also might be
18 something that would be raised today are ways that
19 perhaps the community might be able to address when
20 these issues occur at a local level.

21 Yesterday we heard that the San Bernardino
22 Association are able to send out a Yahoo note and get
23 people to come in and show up. Again, the idea is how
24 do we help the communities to be able to help the
25 agencies in some of these projects that we need to work

1 on.

2 Also, we're working with the Eldorado National
3 Forest. There was a reference made at the last meeting
4 about a restoration site that had received funding but
5 where compliance had not yet been achieved, so we're
6 working with the Eldorado and trying to deal with that.
7 I believe they've come in for restoration dollars this
8 year, so we're going to be working with the forest to
9 try to achieve compliance and preserve that areas
10 that's been restored.

11 So I wanted to follow up on those two issues
12 from the last Commission meeting that we had discussion
13 on.

14 CHAIR WILLARD: Can you give us just a very
15 short overview of the Anza Borrego expansion situation?

16 DEPT. DIRECTOR GREENE: The Freeman property and
17 currently where we are with the Freeman?

18 CHAIR WILLARD: Just an overview of where we are
19 at. Don't need to get into any details.

20 COUNSEL LA FRANCHI: The general planning
21 process that has been long promised and sought, I think
22 the contract for that is over at the controlling
23 agency, General Services, for approval. The budget
24 issues stalled out all contracting, so hopefully that
25 will get through that soon and begin the kickoff of the

1 general planning process for Freeman.

2 There's a facilitated group called the Freeman
3 Operating Review Team that is comprised of a
4 representative from the Anza Borrego Desert Institute,
5 and a representative from ORBA, the Off-Road Business
6 Association. That group meets with Kathy Dolinar,
7 superintendent up at Ocotillo Wells, and the
8 superintendent at Anza Borrego regularly on a monthly
9 basis just to talk about ongoing operational issues.
10 We had a meeting Tuesday. And other than that, the
11 process is kind of in a holding pattern. There's
12 considerations about acquisition of the remaining 6,000
13 acres, what are referred to as School lands, that are
14 in the trust management by the State Lands Commission,
15 and we're having discussions with various groups,
16 including the two I just mentioned, about what's the
17 best strategy to bring those additional 6,000 acres
18 into the inner management process and the general
19 planning process. So those three activities are going
20 on: Ongoing operations issues are being addressed;
21 general planning is kind of stalled for a moment,
22 hopefully get started soon; and trying to figure out
23 what's the best strategy to address the 6,000 acres for
24 management of the School lands.

25 CHAIR WILLARD: It's my understanding of the

1 statute that this Commission will at some point be
2 reviewing and commenting on the general plan. I'm just
3 wondering when do you think that would occur?

4 COUNSEL LA FRANCHI: That's probably five years.
5 Right now on the schedule that has been established,
6 the planning team and all of the folks that are
7 involved see that because there's extensive public
8 input that's required, that's a couple years, and still
9 some time to run on resource inventory, survey studies
10 what's out there with wildlife and plants, and
11 recreational activities. All of that adds up to what
12 they think is reasonably about a five-year process,
13 plus or minus. So this Commission or the State Parks
14 Recreation Commission, however that process works
15 itself out at the end of the day, won't see that
16 general plan until way downstream.

17 Of course, in the interim, as that general plan
18 process goes forward, there will be opportunity for
19 public workshops, public input along the way, and
20 that's all built into the plan. And, of course,
21 Commissioners and anybody else who's interested can
22 participate in those workshops, and we can keep you
23 posted on that schedule as it makes its way along.

24 CHAIR WILLARD: Thank you.

25 CHIEF JENKINS: And just one clarification or

1 addition to that, as Tim indicated, the contract for
2 the general planning process is stalled out over there,
3 but we have begun jointly with Anza Borrego a number of
4 studies that will inform the general plan as it's
5 developed and moved forward. A lot of studies are
6 going on about some trail studies and various wildlife
7 studies, archeological surveys. All of that
8 information has been gathered so that when the general
9 planning process gets underway, we'll have solid
10 information to work on. So that activity is going on.

11 COMMISSIONER McMILLIN: Tim, the Freeman
12 Operating Team meetings, are those open to the public
13 or are those just closed?

14 COUNSEL LA FRANCHI: Those are administrative.
15 They're limited to that narrow group.

16 COMMISSIONER McMILLIN: That's yourself,
17 somebody from ORBA, and what was the other?

18 COUNSEL LA FRANCHI: The executive director of
19 the Anza Borrego Foundation Institute, ABFI.

20 COMMISSIONER McMILLIN: And how is that make up
21 formed?

22 COUNSEL LA FRANCHI: Director Ruth Coleman,
23 because of concerns raised by various groups about
24 ongoing issues associated with off-road activities out
25 there, impacts to cultural and national resources, when

1 the property was acquired, there was obviously strong
2 commitment to get that property under management
3 pending the outcome of the general planning process.
4 And so those two entities' raised the most interest in
5 being a part of how do we manage some of those things.
6 In reaching out to those groups, the Director
7 established that small group to address those issues.

8 DEPT. DIRECTOR GREENE: Part of that as well was
9 you've got a general planning process, and then you
10 actually have day-to-day operational concerns. And
11 that is where you have right now in this interim
12 period, it's shared in joint management with Anza
13 Borrego and Ocotillo Wells. The challenge that we had
14 is that you've got two different State Parks units who
15 are trying to manage the same piece of land, so
16 operationally how do you do that, when are rangers out
17 on the ground, how are you doing the monitoring, those
18 sorts of day-to-day issues. And so this team was
19 created in order to discuss and primarily focus on
20 those operational issues, not looking at issues down
21 the line of the general planning process.

22 CHIEF JENKINS: Essentially what spurred it was
23 myself working with the down chain, Kathy Dolinar, the
24 district superintendent, and some environmental staff,
25 et cetera, and then working with my counterpart to run

1 the other side of the department, which at that time
2 the southern regional director was Tony Perez, and he
3 was telling his district superintendent at Anza Borrego
4 and his staff on down the line, here is what we want
5 done. So Tony and I realized sitting at a desk in
6 Sacramento deciding what needed to be done in Anza
7 Borrego and Ocotillo Wells at the Freeman property
8 wasn't the most effective way to get things done on the
9 ground. So to a very large degree, this core team is
10 just the staff on the ground sitting down on a regular
11 basis considering how to do this together so there is
12 consistent management. So that on periods when there
13 might be Anza Borrego staff out there contacting the
14 public, the public is getting the same information that
15 they'll get if it were some Ocotillo Wells staff that
16 were contacting them. So it's just that desire for
17 operational clarity on the ground.

18 CHAIR WILLARD: Thank you.

19 DEPT. DIRECTOR GREENE: That concludes my
20 report.

21 COMMISSIONER SLAVIK: Addressed to the Deputy
22 Director, page 151 of last meeting's minutes, in fact,
23 there are several references to a letter that was going
24 to be generated I believe between the Chair and the
25 Deputy Director regarding like a white paper in support

1 of OHV recreation that could be generated for maybe
2 public consumption.

3 DEPT. DIRECTOR GREENE: Right. We'll hear a
4 little bit about that this morning. The genesis of
5 that discussion, correct me if I'm wrong, the Chair and
6 I had discussion in relation to Director Coleman being
7 here speaking about the budget, the concerns at that
8 point in time that additional monies from the OHV Trust
9 Fund might be borrowed. So the urgency of that was to
10 immediately get a letter out that says please do not
11 touch the fund, there is no need to right now.

12 Subsequent to that, they moved forward with the
13 budget approval. The Chair and I conferred and decided
14 that a letter at that point in time was not appropriate
15 or no longer needed, but that we did want to look at
16 what would be appropriate in terms of a letter or some
17 sort of report, whether or not the 2011 report, which
18 we'll hear about today, if that might be a larger
19 document that you would want in lieu of a letter.

20 But the letter at that point in time was
21 referencing specifically concerns about the budget.
22 Since the budget was passed, we decided not to move
23 forward at that time.

24 COMMISSIONER SLAVIK: Reading through the
25 minutes, it seems like there were several references,

1 though, to some way of identifying the successes of
2 this program to the general public and maybe in some
3 kind of outline form, certainly not like the big report
4 we had, Taking the High Road, extremely in-depth, but
5 something in more of an outline form that you could
6 hand out to somebody that made sense to them that this
7 program really did do good things.

8 DEPT. DIRECTOR GREENE: Right. And also part of
9 that discussion with the Director you asked what the
10 Commission could do, and there was some discussion of
11 what role that the Commission could do as you're
12 looking at the future and getting to know members of
13 the Legislature and even potential governors that might
14 be coming in. So, again, further discussion to be
15 determined by the Commission on what you would like.

16 CHAIR WILLARD: Thank you for bringing that up.
17 I probably was remiss. I should have made mention of
18 that. That was an item I had responsibility for. What
19 had happened is as we were having that Commission
20 meeting, the budget crisis and its impacts on our
21 program were unfolding daily. And Deputy Director and
22 staff were trying to monitoring it as best they could
23 on an hour-by-hour basis practically, and I was in
24 communication with them, and they were trying to decide
25 what should we do, should we get the letter out, you

1 know, no, let's wait. And we had to make some tactical
2 decisions on when it was appropriate. We didn't want
3 to sort of insert ourselves into a situation that
4 seemed to be going the right way. I think that was
5 sort of where we ended up with it.

6 But the idea of the white paper is still an
7 excellent idea, and I do think we need to pursue that.
8 Maybe, Deputy Director, you can give that some thought
9 and maybe at the next hearing we can see a draft of
10 some sort of a PR piece, for lack of better terms, that
11 helps make our case. We never know when we might need
12 it. I think it's a good thing to have should we need
13 it in the future.

14 COMMISSIONER SLAVIK: Director Coleman stated
15 every six years we have a new turnover of the
16 Legislature, so we have to reeducate those folks.

17 CHAIR WILLARD: It's a worthy effort for sure.
18 We will pick it up.

19 COMMISSIONER SLAVIK: One more item. CalPAL, I
20 understand from talking to some of your staff, the
21 California Police Activities League is in dire straits
22 budget wise, et cetera. I would just like to make sure
23 to keep that program on the radar screen, that we don't
24 let it slip away, maybe convene a subcommittee or
25 something to work on ideas to keep that program viable

1 in State Parks.

2 CHIEF JENKINS: Certainly, if you would like to
3 do that, that would be a good thing to proceed with
4 because CalPAL is a great organization. It has been
5 very good to State Parks as a whole, not just the
6 Division. However, it should be noted as well, a lot
7 of programs we've been doing with young people in some
8 of the parks are not completely dependent on CalPALs.
9 While there are some difficulties with CalPALs right
10 now financially, whatnot, we're doing what we can to
11 work with local chapters to get kids through that
12 program.

13 We're also looking at other ways to supplement
14 those educational efforts so that should CalPALs not be
15 able to fully fund or fund to the degree that they
16 would in the past some of the programs, we're stepping
17 forward with some of our own outreach educational
18 budgets at the SVRAs. For instance, Hungry Valley has
19 a pretty aggressive schedule of programs that they're
20 planning to put on this season. The retired
21 superintendent there is going to be involved, Pete
22 Yarborough, is very dedicated to the program. So we
23 will be continuing those programs aggressively, despite
24 any of the difficulties that the parent organization,
25 if you will, CalPALs may have.

1 CHAIR WILLARD: Now, we'll move on. Mr. Keeler,
2 if we could please have BLM's report.

3 COUNSEL LA FRANCHI: Excuse me, don't you
4 usually give the public a chance to comment on reports
5 or do you wait until after?

6 CHAIR WILLARD: Thank you so much. Let's do
7 that.

8 DEPT. DIRECTOR GREENE: Just for clarification
9 purposes, this is public comment on specific items
10 referenced in the reports.

11 CHAIR WILLARD: Yes, on the Deputy Director's
12 reports. That's it.

13 ED WALDHEIM: Thank you very much, Ed Waldheim,
14 California City, CTUC, Friends of El Mirage, Friends of
15 Jawbone. Somewhere in the agenda, it would be kind of
16 cool if we could have other reports from people. I
17 find that using my time under the public comment period
18 isn't really probably the best way to do it, and I have
19 an awful lot to say. So I'm trying to figure out
20 somewhere where a commissioner can ask what have you
21 been doing at El Mirage, what have you been doing at
22 Jawbone.

23 In Jawbone we have been working on our grants
24 program, and we already have done 130 miles of trail
25 maintenance in that area. We have a full-time

1 operator, a full-time auger team working putting in
2 signs. Absolutely awesome. You have dedicated people
3 doing what they are doing. So we're really enjoying
4 that.

5 At El Mirage we are also working on the project
6 there to do a cleanup that's coming up on the 24th with
7 the staff in that area and Jawbone back again. Came up
8 with the safety program, and I'm not waiting around for
9 I don't know what. Somebody needs to help us. We have
10 the safety awareness program starting on October 31st,
11 and that's a credit to Eddie Duque from the Ridgecrest
12 BLM Office. It was his brainchild, and since then
13 we've put a big monster sign on 395. We put up another
14 sign on Highway 14. So now we have three signs, big
15 billboards on the highways talking about education and
16 talking about issues. And this is something that I'd
17 like to see throughout the state if we can do it. We
18 certainly can do it with other groups.

19 The statement was brought up about the Angeles
20 National Forest fire. We had a meeting with Jody
21 Norton on October the 5th. It's also closed, the whole
22 forest is closed. The trails have been affected in the
23 sense that we don't know when we're going to be able to
24 get them opened up again. Routes had been closed since
25 the last fire, and so that supposedly is going to open

1 up in December. Little Rock is closed. We'll probably
2 never get that back, and also San Gabriel Canyon is
3 closed. So we are in really bad shape as far as trails
4 in that area.

5 A good note is that firefighters did an
6 incredible job. They saved North Fork, which we've
7 been running North Fork for the last 12 years. They
8 did a backfire, and so our entire facility was saved,
9 used all 50,000 gallons of water that we had up in that
10 area, part of CTUC, a group that runs that area there,
11 so that's really working great.

12 The other issue on the Deputy Director's report
13 is on the grants that Mr. Canfield talked about, the
14 comments period on that. We are very concerned as far
15 as the possibility of buying equipment. Ms. Greene
16 knows about that, and so I finally decided why don't
17 you just give me a special regulation for myself, and
18 we'll deal with it. Basically, what they've done is
19 reduced the green sticker funds to nonprofits to \$5,000
20 for equipment, which is kind of an insult. What am I
21 going to do with \$5,000? I can't do anything. The
22 fact that we are doing on-the-ground work at Jawbone is
23 a credit to the staff that have trusted us to know that
24 we will put money on the ground. We just bought
25 \$20,000 worth of brown signs on the ground. We bought

1 \$10,000 to close trails that are not supposed to be
2 open. There's \$30,000 just like that. We're really
3 setting the pace, setting the standard on how to do
4 trail maintenance and how to do the restoration job.
5 We want to do the same thing in the Barstow BLM Office.
6 We're really concerned, and I talked with Mr. Steve
7 Borchard at the BLM office of Morongo, pretty much the
8 whole desert, he likes the partnership that we're
9 having. And we need to foster more of the
10 partnerships. Somehow we have to figure out how the
11 Division and Commission, let's get -- America has been
12 built on volunteerism. We do a lot more than just
13 trash cleanup. It seems like, oh, let's get partners
14 and let's clean up. We need to do more than that. So
15 somehow we have to get the trust. If you have a
16 tractor, somebody can do that, then we definitely need
17 the help on that. We're cleaning up at the same time
18 we're doing signing right now, so much so that
19 Mr. Banks said, Ed, what's going to be left over for
20 the date when we do cleanup. We keep it clean all the
21 time. So this is where the grants really need to work
22 on that issue. That's it.

23 CHAIR WILLARD: Thank you.

24 COMMISSIONER VAN VELSOR: Ed, as the Division
25 grapples with some of the issues around outreach

1 education, rider responsibility and some of the work
2 that you folks are doing in that respect as it relates
3 to billboards that you just mentioned, are you
4 attempting to measure how and what kind of impacts your
5 efforts are having on making changes? Are you looking
6 at ways that you can identify behavior change, less
7 trespass, so that we have a sense of whether or not the
8 efforts are working and which particular activities are
9 going to be most effective to pursue?

10 ED WALDHEIM: Thank you for the question. It's
11 a very good one. It's a two-prong approach. The first
12 billboard we put up says, "Love your desert, stay on
13 designated trails." That was our first billboard.

14 In the Jawbone Dove Springs area we've spent an
15 incredible amount of time putting up signs, and there
16 are those people who continue to cut them down with a
17 chain saw or run them over. So like a broken window,
18 we go right back and put them right back up again. I'm
19 not going to let them beat me. We are going to keep
20 those signs up, and it's getting better. We are
21 achieving the safety awareness of the public that you
22 have to stay on designated trails because the Forest
23 Service, the BLM it's all going to be designated trails
24 throughout the United States, end of discussion. So we
25 are making an effort.

1 Now, with the new safety program, that's a brand
2 new program that we just started, and that is because
3 we lost six people in Jawbone, and we lost six people
4 in El Mirage through stupidity, nothing else but
5 stupidity, people acting out, getting drunk and doing
6 stupid things. And there is no legislation against
7 stupidity. So one of the things we came up with is the
8 idea that after this goes on we want to put a billboard
9 that says: Enjoy your day; loved ones are waiting for
10 you to come home, or something to that effect. So we
11 will be measuring that.

12 The third comment, now that we're working on,
13 and we're going to be talking with the Deputy Director
14 down the road, with Mr. Randy Banis, we're going to
15 start a very aggressive new-age computer internet,
16 Twitter, Facebook, type of outreach to reach the
17 millions of people that we just haven't reached yet.
18 That's a new prong, and then become a safety program
19 where youth can come out and play with us to reach the
20 people to change their bad behavior to better behavior.

21 We can do it, but frankly it's very taxing on
22 us. We're paying \$1,000 a month, \$300 for each
23 billboard. We only have so much money to do this
24 stuff. So when \$100 million gets stolen from us, it's
25 very, very aggravating when we know with not too much

1 money we can do an awful lot. Any guidance or help you
2 guys give us on that would be tremendous. We need to
3 hit them and hit them hard.

4 COMMISSIONER VAN VELSOR: Thank you.

5 COMMISSIONER LUEDER: One more question, I know
6 you have a pretty aggressive sign program on the trail
7 systems out there, and I'm just wondering if you're
8 keeping track of vandalism incidents. Obviously, you
9 put in a number of signs on certain trails. Are you
10 keeping track of vandalism incidents so you kind of
11 have a record, so maybe one year you lost 100 signs,
12 and then the next year you only lost 57, so you can see
13 a trend and say it's getting better, kind of like
14 statistics or something like that.

15 ED WALDHEIM: I think I'll talk with Martha
16 Ibarra from the OHV Division. There are 280,000 acres
17 in Jawbone and Dove Springs. Everything that's in
18 orange, we do have acknowledged signing and trail
19 maintenance since August 1st when our grant started.
20 We have to do monitoring. We have bought GPS cameras
21 that give the spot, and we use it with quadrants that
22 the BLM has.

23 I think your idea is a good idea. The staff is
24 now writing down, and I will know exactly which trails
25 they've done. I will know exactly how many signs we

1 have used up. That's an excellent idea. Once we're
2 done and we go through afterwards to see how many we
3 lost, we can come up with that. That's a great idea.

4 I know every trail we have to do because one of
5 the problems we've had in the past was that nobody
6 could stand putting signs in the ground the proper way.
7 It's just too hard work. That's the reason we came up
8 with the brand new \$30,000 research and development
9 auger. Now anybody, even Vicki, and go out there and
10 put up a sign and enjoy it. It does it just by remote
11 control. Make the hole, you put the sign in. So
12 they're being put down to the proper depth. Hopefully
13 we'll see that less and less of those signs will
14 disappear. That's a good idea. We'll keep track of
15 that as we go along.

16 TOM TAMMONE: Tom Tammone, individual. Anyway,
17 I have to echo Ed's concern, there are four items on
18 the Deputy Director's report which gives me 30 seconds,
19 which really isn't sufficient.

20 But, anyway, as far as the lawsuit against
21 Carnegie, it's been there for four years, but the
22 question I ask of the Commission, are we the only
23 people fighting the complaint, which is a good
24 question. Because on the other side of the road from
25 Carnegie, the mountains have been completely strip

1 mined. It was brick from a mine there in the early
2 1900s that was used to rebuild San Francisco after the
3 great earthquake. As far as the creek, it flows maybe
4 two weeks a year. I wouldn't even call it a creek. I
5 would call it more of a drainage ditch. Gravity wins.
6 Do we know that this stuff is even coming from
7 Carnegie? What's being done to protect everything from
8 the other side of the street from Carnegie? At least
9 there is some protection. I don't know that what we're
10 doing there is perfect, but it has to be better than
11 what's going on on the other side of the road. And I'm
12 getting tired of hearing us getting banged for things
13 that are just completely out of our control and are
14 just not part of our community. I know whatever is
15 going on on the other side of the street, we're
16 protecting our sites over in Carnegie. I doubt that's
17 happening on the other side of the street. Nothing is
18 happening on the other side of the road from Carnegie.
19 And it was very aggressively strip mined, even more so
20 than Carnegie was after the great earthquake in the
21 1900s to rebuild San Francisco. We're really taking a
22 lot of heat here for stuff that's just not us. And
23 they're citing state laws. Maybe the organizations
24 need to start lobbying our legislators to give some
25 comments as to these laws. But people are getting

1 tired of these lawsuits. We're dealing with a lot of
2 frustration out there in the field. Volunteers that
3 continue -- I'm not going to deal with it. I'm going
4 to retreat to modern archeo sites and help with the
5 soil and wildlife monitoring, and not even contact the
6 public. But we've got to get some comments in the
7 regions of what we're doing because people are getting
8 very high strung out there, and we're going to have a
9 problem. And we have to do something to get some
10 common sense into these laws. But when I was there
11 four years ago, whatever was happening at Carnegie
12 stays at Carnegie. All the sediments are cleaned out.
13 Any place where there is low lying areas, there is
14 nowhere for it to drain. So it can't be escaped. So
15 maybe it's changed in the last four years, but I don't
16 see any reason to --

17 CHAIR WILLARD: Mr. Tammone, your time is up.

18 TOM TAMMONE: Thank you.

19 JOHN STEWART: Good morning, Commissioners, John
20 Stewart, California Association of 4-Wheel Drive Clubs.
21 I understand that there is a very big budget crisis
22 within the state and note that the Division is doing
23 its best to address it. And thankfully our green
24 sticker Trust Fund does not seem to be extremely
25 adversely impacted. But there is one other source of

1 funding that comes in to support OHV recreation and
2 recreational trails program. I really don't hear too
3 much about that program and what it is doing, and it is
4 a viable source of supporting the recreation
5 opportunities in the state. So in the future I would
6 personally like to hear a little bit more about the
7 status of the program and what is being done with that
8 program and how it impacts the recreation opportunity
9 in the state. Thank you.

10 HELEN BAKER: Good morning, Commissioners, I'm
11 representing a group of residents that are -- Helen
12 Baker -- the neighbors of the Twenty-Nine Palms Marine
13 Base. There were discussions this morning about a
14 review of off-highway vehicle activity in the Wonder
15 Valley area and a statement that at that time it was
16 104 degrees. Is there a time frame for when that
17 review took place? Do we know the date? If I could
18 get that information. Thank you.

19 CHAIR WILLARD: We're going to take a short
20 break, and then when we come back it will be time for
21 the open public comment period that we normally have at
22 eleven o'clock. And if you want to make any comment,
23 please fill out the blue form and submit it to Vicki.

24 There will be a workshop later this afternoon.

25 DEPT. DIRECTOR GREENE: If I may just for the

1 sake of the public, we have a full agenda for today.
2 We've got a lot of items, and we want to try to start
3 that workshop at one o'clock. Try to keep that in mind
4 as we move forward with the large agenda items we still
5 have on the books here.

6 (Meeting reconvened after an 18-minute break.)

7 CHAIR WILLARD: I'd like to make a motion to
8 move Item C of the Business Items to become Item A and
9 Item A to be moved down one spot. The rationale for
10 this is so that we can get the presentation on the
11 education efforts that go along with the display that's
12 in the back of the room. If we can get that before
13 lunch, then we have the information to then better
14 interpret what's on the display back there. So that's
15 the motion. Is there a second?

16 COMMISSIONER LUEDER: I'll second that.

17 CHAIR WILLARD: All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR WILLARD: Motion passes. So moved.

20 I'd also like to ask members of the public and
21 to those giving reports, we're up against it to get out
22 of here in time. I personally have a flight I need to
23 catch. I don't want to shortchange any of these items.
24 They're all important, especially the workshop that
25 comes later this afternoon, but we really are up

1 against it. So I'd ask those of you that regularly
2 make comment if you could please keep that in mind and
3 not make the comment for the sake of the comment.
4 Obviously if you've got something to add, we definitely
5 want to hear it. But if you could please keep your
6 comments to the shorter side, it would be greatly
7 appreciated so we can get through everything. It would
8 be terrible to come to five o'clock and I've got to
9 leave for a flight, and other Commissioners as well,
10 and we're not done. So we'd appreciate that.

11 Mr. Keeler with the BLM report.

12 JIM KEELER: Jim Keeler, BLM State Office,
13 Chairman and Commissioners, Deputy Director Greene and
14 members of the public, it's an honor to talk to you
15 again. I'll try to keep it as short as I can. I did
16 want to apologize first for short handing you with my
17 report this time. I usually do it in a long form and
18 then edit it to shorten it, and someplace along the
19 line my versions slipped, and I sent you the longer
20 version that hadn't yet been edited down.

21 I wanted to first start by introducing four
22 people in the audience that I'd like you to have a
23 chance to meet. Chris and Beth Padon from the
24 California Archeology Site Stewardship Program.
25 They've been partners with the Division and the

1 Commission and all of the other agencies in a set of
2 programs that they'll probably have an opportunity to
3 discuss with you, training volunteers as archeology
4 site stewards, and it's been a very successful program.
5 Second is Mike Ahrens, who isn't in the room right now,
6 who is currently the recreation wilderness branch chief
7 in our Needles Field Office. And someplace is Vicki
8 Wood, who is the field manager for El Centro Field
9 Office. So if you have additional questions or have a
10 chance to talk to them on breaks, they can fill you in
11 deeper on either the Needles or El Centro issues.

12 I'm going to do just a very brief presentation.
13 I wanted to talk about the BLM Resource Advisory
14 Councils just because this is something -- you always
15 get alphabet soup I think from bureaucrats. We talk
16 about things so frequently that we bring all their
17 initials together. So the RAC, Resource Advisory
18 Council, program is something that actually started in
19 California back in 1976. Federal Lands Policy and
20 Management Act created the Bureau of Land Management.
21 And when it was created, there was an advisory council
22 built into the process that was composed of very
23 formally designated groups of stakeholders whose job it
24 was to advise management for BLM.

25 From that program in the mid '80s, the BLM

1 chartered advisory councils through the whole country,
2 except for the State of Wyoming, which refused to have
3 one. California currently has four of these resource
4 advisory councils. The Desert Advisory Council, or the
5 DAC, is the one that was original. Then we have a
6 northwest RAC, which is Redding, Arcata and Ukiah
7 offices. We have a Central California RAC, which is
8 Mother Lode or Folsom Field Office, Bakersfield and
9 Bishop. And then the Desert Advisory Council, which is
10 all of the lands in the California Desert District,
11 Needles, Ridgecrest, Palm Springs, El Centro, and
12 Barstow. So these are very formalized groups.

13 Occasionally they will charter subgroups. So in
14 Central California we've been working with a subgroup
15 looking at long-range OHV policy. The DAC has several
16 subgroups also now included, the management oversight
17 groups for Dumont Dunes and for the Imperial Sand
18 Dunes. So if you hear of FLPMA, that's the organic act
19 for BLM if you're RACs or DACs. That's what those
20 mean. I think they are one of the most successful
21 parts of the management process we use in BLM. When I
22 worked at the national level, I really enjoyed the
23 opportunity to meet with those kinds of groups.

24 Just a quickly a couple of issues, we just let a
25 new contract for trash service in the Imperial Sand

1 Dunes in the next year. The permit sales have begun
2 for the upcoming season for Imperial Sand Dunes and for
3 Dumont. The Sand Dunes Access Road parallel to the
4 Union Pacific tracks was closed by Union Pacific. We
5 started in July constructing a parallel road inside the
6 new fence, and that is proposed to be finished by
7 Halloween weekend.

8 I did want to mention one more thing, to plug
9 Ed's safety awareness and poker run at Jawbone Station
10 on the 31st of October, which is also a Halloween
11 thing. So I'm willing to take questions or if you have
12 any for Mike or Vicki.

13 COMMISSIONER McMILLIN: I like the longer
14 version of your report. As long as there are no
15 changes to it, I enjoy reading it and appreciate your
16 comments being short.

17 JIM KEELER: What I think I'm going to be doing
18 is focusing on one region of California at a time.
19 What I did this time was to take a longer view of the
20 desert district, but I think I'll focus on Central
21 California and Northern California a little more
22 thoroughly. And then sort of hit highlights for the
23 others. It gets to be too long.

24 COMMISSIONER SLAVIK: How come there is no DAC
25 for Johnson Valley and Byrons?

1 JIM KEELER: Well, that would be a subgroup. I
2 honestly don't know the answer to that.

3 MEG GROSSGLASS: My name is Meg Grossglass, and
4 I'm with ORBA appointed to the Desert Advisory Council.
5 When we originally formed the DAC subgroups and
6 actually the TRTs, they were about giving the public
7 information about how their fees were spent. And since
8 in Johnson Valley there is no fee charge there, we
9 didn't know if it was really appropriate to have a
10 group especially for that area. I don't know if that's
11 the explanation you were looking for, but.

12 COMMISSIONER SLAVIK: Given the situation, I
13 would think the DAC would look at the subgroup as maybe
14 some kind of an information exchange body.

15 MEG GROSSGLASS: We can put that on the next
16 agenda and talk about that. Yes, that's going to be a
17 very important issue for us in the future.

18 JIM KEELER: One of the features of these
19 advisory councils is that they have their own
20 leadership and set their own agenda, in some ways
21 parallel with your role, I think, in the OHV
22 Commission.

23 MEG GROSSGLASS: But we are always open to input
24 from anyone. If you think that would be an appropriate
25 place for a DAC subgroup, and we can put it on the next

1 agenda and talk about that. Actually, DAC subgroups
2 are going to be on the next agenda. I think
3 December 12th is our next meeting, and you're all
4 welcome to come. It's going to be in Palm Springs
5 December 11th and 12th. I believe we will be touring a
6 wind farm and a power substation hopefully on the 11th
7 and then the meeting will be on the 12th.

8 DEPT. DIRECTOR GREENE: We might be able to
9 coordinate with BLM to give the commissioners
10 significant notification of these meetings and perhaps
11 an update, as well.

12 MEG GROSSGLASS: I'm more than willing to do
13 that for you guys. Thank you.

14 JIM KEELER: Another resource that people should
15 be looking at under BLM issues is if you subscribe, you
16 get a weekly update called, "News Bytes," that is just
17 an e-mail update. It lists all of these activities.
18 And, in fact, that's actually the source for a lot of
19 my report because it's easier to get information that
20 way.

21 COMMISSIONER SILVERBERG: Jim, do you have any
22 updates on Clear Creek?

23 JIM KEELER: The public comment draft is in its
24 final stages. I know I've been saying that for weeks,
25 months. It's at the moment just finalizing its

1 Washington office review. So the draft should be out
2 in a matter of a couple of weeks at this point.

3 CHAIR WILLARD: And you're going to let us know
4 so that perhaps at our next meeting we might be able to
5 talk about making some sort of a comment to them?

6 JIM KEELER: Absolutely. I probably could ask
7 Daphne to help me get notification out, as soon as we
8 get more information, to the commissioners.

9 CHAIR WILLARD: I think the ideal situation
10 would be for the public comment period to coincide with
11 our next meeting, so then we can agendize it, and then
12 take an appropriate action or discuss an action.

13 JIM KEELER: I also would be happy to bring in
14 somebody from that staff, particularly if it's an
15 agenda item.

16 CHAIR WILLARD: I think the Commission is very
17 interested in what happens with Clear Creek. If you
18 could keep that in mind, we would like to be engaged in
19 the process if it works out with our time and the
20 timing of the report.

21 Commissioners, any other questions for
22 Mr. Keeler? Thank you.

23 I made a mistake. In my interest in moving
24 ahead quickly, I passed over the 11:00 a.m. public
25 comment period, so I apologize for that. We can have

1 it now.

2 **AGENDA ITEM - PUBLIC COMMENT PERIOD**

3 PAT HUCKABY: My name is Pat Huckaby. I'm a
4 retired high school teacher. I live up in Green Valley
5 Lake, right near here, and I'll be real brief. My only
6 issue was the importance and the lack of law
7 enforcement for OHV issues. I know for the Forest
8 Service up here, there is only one law enforcement
9 ranger for the entire San Bernardino mountain area. So
10 for the off-road vehicles that go off trail or go off
11 designated areas, there is really no recourse for
12 homeowners or whoever may have issues with that.

13 And my other issue was signage or lack of signs
14 that designate which areas are which. I know it's hard
15 for some off-road riders to even know what area is
16 legal and what isn't because of the lack of signs. So
17 my point would be to have more money allocated, number
18 one, especially for signs, and, number two, maybe to
19 have some improvement in law enforcement.

20 COMMISSIONER SLAVIK: I have a question for you,
21 Pat? Pat, can you be more specific on your first
22 concern about illegal riding? Are we talking about
23 illegal riding on trails that are not designated for
24 off-road, or are we talking about riding down through
25 neighborhoods? Can you be a little more specific?

1 PAT HUCKABY: Both, but primarily trails through
2 the San Bernardino National Forest, especially where I
3 live there are several areas that are designated for
4 off-road and then many other areas that are not. And
5 it's very confusing for riders because of both the lack
6 of signs and then there are some just outright
7 lawbreakers. And for hiking associations and hikers
8 and homeowners, there is very little recourse. If you
9 phone the Forest Service, the last I heard there was a
10 ranger named Brad Burns, he was the only one in charge.
11 It could take him several days to get around to a
12 specific area, which is basically useless. But there
13 is another issue of riding through neighborhoods, but
14 that's usually handled by the Highway Patrol.

15 COMMISSIONER SLAVIK: And do you think these
16 people are trailering up from the city, local folks, or
17 vacationers there?

18 PAT HUCKABY: Mostly trailering up. In my
19 neighborhood, we live close to an area that is
20 designated Crab Flats, and it's much easier for them to
21 come into the China Green Valley itself and then ride
22 their vehicles down to the area, rather than trailer
23 them in like the law requires. And then once they're
24 there, there are are many trails that go off that area
25 that they -- sometimes for lack of signs, many times

1 just they ignore the regulations and they will go off
2 out in the trails.

3 CHRIS REAL: Good morning, ladies and gentleman,
4 my name is Chris Real. My company is DPS Technical.
5 For the past ten years I've been kind of known within
6 the industry as the sound guy. My firm was one of the
7 firms retained to perform the analysis on the
8 off-highway vehicle sound study that's published on the
9 State of California website. I'd like to make just a
10 few very brief comments here today. I have a much more
11 detailed analysis which we'll be posting both on the
12 website and also in written comments.

13 My first comment regarding sound is there is a
14 significant amount of very uniform civilian
15 self-enforcement being undertaken by the users group.
16 I would like to commend AMA District 36 in the north
17 and AMA District 37 in the south and the San Bernardino
18 National Association. I know there are a lot of other
19 people that have been doing loud vehicles screening,
20 but from my personal knowledge, since I'm from Southern
21 California here, I spend a lot of time at District 37,
22 and I analyze some of the data. And what I'm seeing at
23 each of the primary events, about 15 events a year,
24 there is about 40 man hours being spent on sound and
25 spark arrestors screening at 12 to 15 events during the

1 year. Translating that down, the data, that's probably
2 about 4500 of very accurate sound tests being done for
3 self enforcement.

4 I am the trainer also for the state OHV law
5 enforcement side. I also know that there are a couple
6 of hundred very active rangers and law enforcement
7 staff that are doing surveillance and enforcement. And
8 with the education and enforcement, we're seeing a
9 measurable reduction in sound from OHV both in the
10 environment, and as well as at the control level. When
11 we do events where several hundred vehicles will go
12 through, we will see a very small percentage now, 2008,
13 2009, where we're down to three or four percent of the
14 people that come through the technical inspection
15 either before the event or after the event that are out
16 of compliance with the 96 decibel sound pressure level
17 as specified in California, so that's pretty good.

18 The training that's going on, right now we've
19 got a pretty full schedule that's primarily law
20 enforcement; however, there will be some civilians
21 included in that and a couple of civilian sound classes
22 both in Northern California and Southern California, so
23 that's moving forward. And a side part of this
24 monitoring, we're seeing a much higher voluntary use of
25 USDA qualified spark arrestors being used out there.

1 They're not required year round in some areas, but
2 we're seeing a whole bunch more voluntary compliance on
3 spark arrestors in the 80 to 90 percent range at some
4 of the events, which is really nice, and qualified
5 spark arrestors. And to my knowledge and from the data
6 that I've been able to uncover here in California, also
7 in Colorado, that vehicles that are equipped with USDA
8 qualified spark arrestors that have been screened and
9 maintained have not been responsible for any of the
10 wildfires. That's a pretty significant statement and
11 it is factual. I'm pretty happy with that.

12 I'd like to take a moment to say, keep up with
13 the good work on the education and outreach. It's a
14 very important part of minimizing our acoustic impact
15 and fire impact. Thank you very much. If you have any
16 questions, you know how to get ahold of me.

17 DEPT. DIRECTOR GREENE: I would just like to say
18 thank you to Chris Real. He is known certainly here in
19 the state, but nationally in terms of the work that
20 he's done with the OHV industries trying to continue to
21 keep sound levels down, continue to reduce them, so
22 thank you.

23 TOM TAMMONE: I think I'd like to expand on
24 Chris' comments. Overall, as far as manufacturers and
25 events, we have been doing a good job on the sound.

1 Tom Tammone. The manufacturers are doing a good job,
2 too. I noticed all of the YVs at the last annual, and
3 the Sand Show are blind with noise standards. But most
4 of the competition bikes are still not coming with
5 spark arrestors, even though they meet the noise
6 standards. They're saying, well, it's a competition
7 bike. And I go, a red sticker means they can ride
8 anywhere you want. So they just basically don't want
9 to go there. But if they're going to put quiet
10 mufflers on the bike, put the spark arrestors on them
11 or at least have provisions on the mufflers where it
12 would be real easy to have like a common attachment
13 point. All the manufacturers can get on to where an
14 aftermarket spark arrestor could be easily attached.
15 If the manufacturers get together and come up with some
16 sort of an accounting, common easy-to-mount system or
17 something like that for spark arrestors, that would be
18 great. Make it clear to these guys, okay, you can ride
19 in red sticker season but you've got to get a spark
20 arrestor. Other guys are buying the bikes and they
21 still think, well, these noise standards, it's okay,
22 I'm in open red sticker season now, I can ride. But
23 they still are not putting spark arrestors on.

24 I'd like to say, too, that I'm a little
25 disappointed that the agenda item on the speaking time

1 got moved back. But I'm going to ask at future
2 meetings that you guys schedule your flights or
3 schedule the meetings or whatever so you can allow us
4 adequate time to speak at these meetings, that would be
5 very much appreciated. Generally, these are volunteer
6 positions. Me, as a volunteer, if I can't do the job,
7 I just don't go. I go do something else. I hate to
8 sound cold, but that's basically what it is. Please,
9 if you're going to volunteer for these positions,
10 you're not paid anything, no love lost, but step aside
11 and let somebody come in that will. Thanks.

12 SANDRA HUCKABY: My name is Sandra Huckaby. I
13 live in Green Valley Lake, and I brought with me photos
14 of some of the OHV damage that is in the national
15 forest near my house. These photos happen to be taken
16 two years ago when we had that devastating fire and
17 things quieted down for a while, but now the OHVs are
18 back. And I was hiking on Sunday just this last
19 weekend, and I saw more ruts and trails where OHVs are
20 not allowed to be. And there is no law enforcement
21 really because poor Brad Burns -- I've talked to him
22 many, many times, both on the phone and in person -- he
23 can't be everywhere at once. And there needs to be a
24 lot more law enforcement. It's like putting the cart
25 before the horse. It's nice that recreation is

1 available, but if you can't monitor it adequately, then
2 you have all kinds of abuses, not from the majority of
3 people but from the few bad apples who just don't want
4 to obey the law. And I know it's going to take at
5 least 20 minutes, if not longer, for any law
6 enforcement to show up, and it's become a really
7 horrible situation. I used to be able to walk in the
8 forest all the time. It was a very serene experience
9 because of the quiet and the solitude and no noise, and
10 now it's not a serene experience, especially not on
11 weekends. So it would be nice to get the forest back.

12 The staging area in Crab Flats, if you look just
13 up the slope to the southeast, you'll see houses on
14 that slope, and those houses are a part of Green Valley
15 Lake, and that means that all of the homeowners in that
16 whole area can hear all of the OHV activity. They need
17 to move the staging area and the Crab Flats area
18 farther down so that the homeowners in Green Valley
19 Lake will not be subjected to that noise.

20 This slope here is so denuded of vegetation
21 because of the abuse of the OHVs that now there's a big
22 erosion problem, and I've seen that in several places
23 throughout the area surrounding my town of Green Valley
24 Lake. So I really ask that we stop putting the cart
25 before the horse. Let's get an adequate law

1 enforcement so that it can protect the homeowners and
2 hikers and other people who are subjected to the
3 illegal activity, as well as the legal activity that's
4 too close. So I thank you for your time.

5 HUGH BIALECKI: I'm Dr. Hugh Bialecki, and I'm
6 the current president of the Save Our Forest
7 Association, which is the largest grassroots
8 environment organization in the San Bernardino
9 Mountains. I would like to welcome the Commission at
10 Lake Arrowhead. I've been a 20-year resident here and
11 have personally used this multi-use trail system over
12 that entire 20 years primarily as a mountain biker.

13 Our organization's mission is to preserve the
14 quality of life in the San Bernardino Mountains, and we
15 work with the U.S. Forest Service, State of California,
16 County of San Bernardino on both public and private
17 land issues in the San Bernardino Mountains. We also
18 have provided comment public testimony over the last
19 two decades to the Forest Service, the state, and the
20 county. We also work cooperatively with the Audubon
21 Society, the Sierra Club, and the Center For Biological
22 Diversity.

23 My primary concern today, kind of echoing what
24 Sandy and Pat Huckaby have to say, we're here at the
25 opposite end of the mountain, even though our

1 organization is concerned with the entire range from
2 Crestline all the way to Big Bear. Primarily what
3 we're seeing here is a multi-use trail system that's
4 really being led to death. The Pinnacle Staging Area,
5 the Crab Flats area, get a lot of intensive use.
6 People are trailing vehicles in primarily on the
7 weekends, but all during the week, and there's also a
8 lot of local users, as well, both hikers, OHV users,
9 and mountain bikers, and even a few equestrians out in
10 the same areas.

11 What I've seen most recently in the last two to
12 three years is a huge increase in the number of these
13 Polaris, Rhino type vehicles, four-wheel vehicles that
14 have a wider track than the typical OHVs and which are
15 not really allowed on the multi-use trail system by the
16 Forest Service, and they seem not to really know where
17 to go. So as a result, we're seeing them on public
18 roadways that they're not licensed for. We're seeing
19 them on the multi-use trails, and so there has been a
20 dramatic deterioration of the single track trails that
21 are engaged both for motorized riders and for mountain
22 bikers. And yet as these Rhinos increase in popularity
23 for less athletically-inclined trail users, we're
24 seeing this one lack of enforcement that's been stated
25 before and a real lack of education, so that while

1 these vehicles are being sold in large numbers, these
2 people just don't know where to go with these things.
3 So we have a deterioration of our trail system. We
4 have violation of laws. And if you have been out as I
5 have, especially in the last year or so out in the
6 Pinnacle Staging Area just a few miles from here,
7 sometimes you'll have as many as a dozen of these
8 vehicles all in a row behind one another in a huge dust
9 plume. And so everybody is wearing goggles. I'm not
10 sure how you feel when you get out of that, but there
11 seems to be no consideration, no regulation. And as
12 was stated previously, the Forest Service is just
13 overwhelmed in terms of trying to manage things from a
14 law enforcement point of view. So this is something
15 that's impacting our community here directly. We have
16 this incredible system that's used and appreciated by
17 hundreds of thousands of people throughout Southern
18 California, and it's really in peril. And I would hope
19 that the Commission would be aware of that and, two,
20 would take some steps, especially with this latest
21 class of vehicles, that the wider track is really not
22 regulated, and it seems in my opinion to be causing the
23 majority of the challenges right now. Thank you.

24 COMMISSIONER SLAVIK: Just a quick comment to
25 the folks, the local residents here, the last three

1 that have been up, are you folks aware of the San
2 Bernardino National Association, a volunteer program?
3 I assume you are, and I'm wondering if you've had any
4 collaborative discussions with them about this
5 situation. And I know Dale is here today, and it would
6 seem to me that you guys could work together to kind of
7 resolve this issue. Certainly the Forest Service
8 doesn't have enough staff personnel to get around the
9 whole forest, we know that. Those folks and maybe you
10 folks can join this association and do that kind of
11 work on your own ground. So just a comment I have on
12 that.

13 HUGH BIALECKI: Some of the individuals that
14 have previously been on our board of directors worked
15 with the San Bernardino National Forest Association and
16 experienced similar frustration even within the realm
17 of what that volunteer group is able to do.

18 COMMISSIONER SLAVIK: I would suggest you
19 continue to work because that's probably your most
20 viable option right now. Thank you.

21 HARRY BAKER: Good morning, I'm Harry Baker.
22 I'm vice-president of the California Association of
23 4-Wheel Drive Clubs and also in partnership with
24 Johnson Valley. We're very concerned about the
25 possible expansion of the Marine Corps base into the

1 Johnson Valley and also the proposed bill by Senator
2 Feinstein to make a national monument. And I'm not
3 quite sure the proper procedure, but I would like to
4 see those two items be put on the agenda for continuing
5 discussion in future meetings. Our fear is that either
6 one of the two, either the Feinstein bill, which I
7 understand you can't talk about yet because it's not
8 out officially -- it is in the newspapers, the
9 boundaries of the proposed monument are in the
10 newspapers, it's been published -- it will have a huge
11 impact on the recreational areas in the Mojave Desert,
12 and it will have a huge impact on Johnson Valley.
13 Because if you look at the boundaries of the national
14 monument, it does preclude the Marines from going to
15 the northeast and the southeast. So their only way for
16 expansion is Johnson Valley, and if Johnson Valley goes
17 to the Marine Corps, then those people who recreate out
18 there, more than 500,000 per year, they will go
19 someplace else. The San Bernardino National Forest is
20 a logical place to come to. They will have a
21 tremendous impact on there. I think the Commission has
22 to have that on the agenda so that when something
23 occurs, either the bill comes out and/or next spring
24 when the EIS comes out from the Marine Corps expansion,
25 the Commission can react to it. Right now I think it

1 would take you a couple of meetings to get to that
2 point where you could actually discuss it on the
3 agenda. If you put it on there now and have a brief
4 discussion of the proposed expansion and the bill at
5 each meeting, then you can handle it. I know
6 Daphne Greene has been very concerned about the impact
7 it will have on the state SVRAs. She's been wanting to
8 go to some of our meetings to be at least involved with
9 some of the discussions and some of the contacts with
10 Senator Feinstein's office, so I think it behooves us
11 all to have that on the agenda. Thank you

12 ED WALDHEIM: Ed Waldheim, CTUC, California
13 Trail Users Coalition. Two things, we have the
14 off-road show coming up the 7th through 9th in Pomona,
15 and this is one where everybody who wants to buy
16 something gets to spend a little bit of money. I'm
17 really pleased we will have a booth from the tourism
18 portion of East Kern. That's the first time ever that
19 we're going to set up a tourism booth showing the
20 hotels and showing the activities we have in East Kern.
21 And for live maps and information we'll bring up what
22 we call your safety awareness show. We're coming up
23 with a new brochure, two brochures. One is that you
24 come into the visitor center and don't have any idea
25 where to go, we'll give you route sheet number one. It

1 will show you the points of interest as you go along,
2 and you can follow it all the way around. So that's a
3 first of several that we will be doing. We also have a
4 California City vicinity map, off-road, hiking,
5 equestrian, and all kinds of stuff that's in there. So
6 that's going to be interesting.

7 The next issue is the budget. Ms. Greene, some
8 of you talked about the budget coming up. I'm very
9 concerned about having a repeat of what happened to us
10 when we lost \$120 million. It was criminal what the
11 State of California legislators, all 121 of them, are
12 doing to us. This is a trust fund. We created the
13 trust fund so we can manage our sport. We can't manage
14 the sport if you steal the money, the money we raised
15 ourselves to come up with, from \$25, it went up to \$50.
16 You're stealing from us and don't even say, excuse me,
17 I'm sorry, nothing, just steal it. It's deplorable.
18 So in view of that, I already discussed it with
19 Ms. Greene, I think we should be a little more
20 practical on this and put this on the agenda at every
21 meeting so that you can take action. Every meeting
22 should have something about the state budget. The
23 first thing I would like to do, and I've sent e-mails
24 to Ms. Greene and to Mr. Paris, it started off with
25 Chuck Raney at the Sequoia meeting. He told us of a

1 grant cycle that's coming up January 11th is when the
2 notices start going out. March 3rd is when the grants
3 are due, the preliminary grants, and I think April or
4 May it's due. Anyway, I was thinking that perhaps it
5 would be a good idea, if Ms. Greene or the Commission
6 so agrees, that we ask all of the agencies to send her
7 a letter of intent of what it is we are looking for for
8 next year. Then Ms. Greene can take that and put it in
9 her binder. And when all of a sudden she feels that
10 somebody is going to start playing games with our
11 program, she can take this folder and say, ladies and
12 gentlemen, this is what our program is about. All
13 these people throughout the whole state of California,
14 this is where the money is going for, this is why we
15 need this money. And it would give her -- you don't
16 walk into an office with an empty hand. We say we
17 don't want you to steal from us. Well, we don't really
18 show justification. We have past grants and things
19 like that. Ms. Greene, I think it would be a great
20 idea. I've been talking to everybody to do that, but
21 they want some direction from you. I think we can do
22 it fairly quickly, a simple letter from Vicki, a simple
23 letter from Mr. Poole, a simple letter from Marlene
24 Finley. I think something like that that she has that
25 shows the justification. Let me tell you, ladies and

1 gentlemen, if the 121 legislators, elected officials,
2 do what they did this year, your program is dead.
3 Without money, you have no program. And if you think
4 about the folks out there complaining about abuse and
5 illegal riding, just wait until it's not managed. We
6 cannot afford to have a sport that is not managed, and
7 we need the money. Thank you.

8 BETH PADON: Thank you. My name is Beth Padon,
9 and I'm here today representing the Society for
10 California Archeology. This is our archeology poster.
11 I just want to say thank you. I take the opportunity
12 today to thank the Commission for your continued
13 support for our archeological site stewardship program.
14 I also want to thank the staff of OHMVR, State Parks,
15 and our partner with the Bureau of Land Management and
16 the National Forest, they've been helpful in getting
17 our grant with you folks. I also want to invite all of
18 you we do a two-day workshop training for our
19 volunteers to help the archeologists on the state and
20 federal lands protect the cultural resources. And we
21 do that with training and volunteers, and we just did a
22 workshop here in San Bernardino National Forest. I'm
23 very pleased to say we have some of those volunteers
24 that went through the training today, raise your hands
25 folks. And Dale Johnson has been with us, and so has

1 Tom. So, again, I'm just very pleased to have this
2 program. I want to invite you, as I said to Daphne and
3 Phil earlier, we're going to do volunteer training in
4 Sacramento, so mark it on your calendars, December 5th
5 and 6th. This is a Saturday and Sunday. Our workshops
6 involve one-day classroom and then the next day we go
7 out in the field, and we are going to be going to
8 Carnegie for our fieldwork in December. I again just
9 want to say we really appreciate it. It has been a
10 ten-year anniversary this year for the program, and
11 eight of those years, your group has really helped us
12 to do this. So, again, thank you so much.

13 PATRICK MARLEY: Patrick Marley. Mr. Chairman,
14 members of the Commission, I'm general counsel for the
15 Save Our Forest Association. I'd like to welcome you
16 up to our mountains and hope you enjoy it up here. I'm
17 also a resident of these mountains, although I've
18 practiced law on the environmental theater. I just
19 returned from Iowa where we're trying to develop a
20 trail from Missouri all the way to South Dakota. Same
21 problems, you guys have a horribly difficult job.
22 Without money and without enforcement activities out
23 there, it's going to be an even bigger problem. My
24 area of expertise is in the National Environmental
25 Policy Act, California Environmental Quality Act, and

1 the Endangered Species Act, all of these things are
2 affected, of course, by OHV motorized vehicle.

3 As a native of California, I'm especially
4 concerned about OHV activity in our state. I think
5 really my comment is that I'm hoping that this
6 Commission demands sound environmental planning on our
7 OHV trails and that if we attempt to implement trails,
8 at the same time we have adequate funding to implement
9 enforcement. As stated earlier, if you don't have the
10 funding from enforcement, don't do the trails. Because
11 all you do is you put yourselves -- and, in fact, you
12 really put our administrative people in just an
13 untenable position. In this particular forest, at
14 times we have two or three enforcement officers, Brad
15 Burns is the guy, talk to him all the time. In my
16 community, we have people who both come up from down
17 below and from other areas. This an urban national
18 forest, 20 million people in the immediate area, you're
19 going to have a little bit of everything, good people,
20 bad people, violators. The OHV, the Save Our Forest
21 Association works very closely with the U.S. Forest
22 Service, as well as the BLM and other agencies, in an
23 attempt to make everything work; very difficult. The
24 volunteers do a fabulous job, really terrific, but they
25 can't be everywhere. They don't have enforcement

1 capability. And if you can't enforce when somebody
2 kicks down a sign -- when we were having the races up
3 here with the OHVs, it was just a disastrous motorcycle
4 race. It was terrible. There was just no control.
5 Generally speaking, our sheriff's department and our
6 California Highway Patrol does not enforce on the
7 national forest. They have an agreement. They're not
8 going to come in and enforce OHVs. So we really only
9 have our one enforcement officer, Brad Burns, although
10 at times he has helped. I don't know what the answer
11 is, but if you don't have funding, then your function
12 here is to try to maintain the trails you have, to
13 develop better management, to close trails that are
14 inconsistent with local activity. In this case we have
15 OHV trails that are way too close to homes. Some of
16 them are almost in the backyards in the Lake Arrowhead
17 area. You heard Mr. and Mrs. Huckaby speak about the
18 problems in their community. It's lack of enforcement.
19 We've got good enforcement people. We've got good
20 people. The OHV volunteers, they're very good. The
21 problem is you can't follow every trail and every OHV,
22 and the bad guy has done a terrible job up here, and as
23 a result very negative approach up here for OHVs. I
24 don't know what the answer is except I wouldn't look to
25 increase the trails here until you have adequate

1 enforcement. Same problem in Iowa. Same problem in
2 every state that I go to. Everybody needs funding, and
3 what do you use your funding for, to develop the
4 trails. If you develop the trails, then you've used
5 your funding and you don't have enforcement. How do
6 you have long-range funding? Very difficult. So what
7 do you do, you build less trails and develop some
8 method of assuring that we have adequate funding. In
9 this case, you guys have a terribly impossible job.
10 Unless you get additional funding, I think basically
11 you want to maintain what you have and try to work with
12 your administrative people so you don't see me in court
13 saying, look you guys, this has significant effect that
14 you're not going to meet the requirements, and we're
15 going to ask you to close down the trails. It's that
16 simple. Thank you.

17 HELEN BAKER: Helen Baker. On behalf of
18 San Bernardino Convention and Visitors Bureau and
19 San Bernardino County's first district supervisor Brad
20 Mitzelfelt, I would like to welcome the Commissioners,
21 the Division, the staff, and members of the public to
22 one of the jewels of our county, Lake Arrowhead.
23 Robert Eland, field representative for Supervisor
24 Mitzelfelt was on the tour yesterday but is unable to
25 be here today because he's attending the Vietnam Era

1 Veterans Honor Program at the Twenty-Nine Palms Marine
2 Air, Ground and Combat Center. However, Mr. Eland had
3 a few questions as to the economic benefit that the
4 Commissioners and staff have brought to our county, and
5 Ms. Greene has agreed to work directly with the county
6 in providing that information.

7 Economics and tourism is very important to
8 San Bernardino. It is the largest county in our state.
9 It is also home to the largest car cruise on Route 66,
10 which just took place on last weekend and brought
11 approximately \$40 million worth of economic benefit to
12 our county. So, again, on behalf of the Convention and
13 Visitors Bureau and Supervisor Mitzelfelt, I would like
14 to thank you for bringing the benefit to our county.
15 And if it's allowable, I would like to present a
16 souvenir poster of the Route 66 event to the
17 Commissioners. I have one with me. I would like to
18 give it to you, the Chairman. And if the rest of the
19 Commissioners would like one, I would be happy to have
20 one sent to them. This is the poster. Thank you.

21 DAVE PICKETT: Good morning, Commissioners, Dave
22 Pickett, AMA District 36. Couple of things, first I
23 want to say thank you to the San Bernardino National
24 Forest and the OHV Division for putting on that
25 wonderful tour yesterday, extremely informative. I

1 came down specifically to take a look firsthand at
2 their volunteer program, which is a model, and I hope
3 to take some of that information back to Northern
4 California forests, so kudos there. I'm also pleased
5 that on the BLM report that you have before you about
6 the corrective action taken at Shasta Dam, the Redding
7 area where they've got the jurisdiction issue sorted
8 out, which will make it easier for special interest
9 clubs and special event clubs to move forward quickly.
10 Ms. LaFranchi, thank you for your clarification on the
11 current lawsuit that's before us at Carnegie. It
12 answered some questions. On behalf of the membership
13 that I represent, I ask you guys for full force to
14 defend the OHV community against this frivolous lawsuit
15 in my opinion. I was trying to figure out a word for
16 it, but the state provided scat in the back, so I'll
17 leave it at that.

18 So Clear Creek, we have an important EIS about
19 to be released. Please stay on top of that. It's
20 critical. We have over 40 counties that have asbestos
21 in the state, and I think the repercussions from
22 whatever that decision is could have fallout which can
23 affect us. Thank you very much.

24 AMY GRANAT: Good morning, Commissioners, my
25 name is Amy Granat, and today I'm speaking on behalf of

1 CORVA and a new group called Disabled Off-Roaders of
2 California. Thank you for the opportunity to come to
3 this beautiful area. One thing in CORVA that we're
4 very concerned about is that the Division is working
5 together in collaborative partnerships to solve some of
6 the deferred maintenance problems. And we know that
7 because of budget cuts and the budget issues there is
8 some deferred maintenance on all of the areas, but what
9 we would like to see is working together with the local
10 organizations and clubs and the state organizations to
11 maybe solve some of those problems, prevent some of the
12 lawsuits or a lawsuit like what happened at Carnegie,
13 so I would just like to suggest that.

14 The other issue we're seeing as the closures
15 become more prevalent, we're seeing much increased use
16 of areas that historically have had much less use.
17 We're seeing off-roaders traveling further and further
18 away to have their recreation opportunities, and this
19 is causing in some cases overuse and local volunteers
20 really being overburdened with problems that are
21 brought about by people coming from other areas. I'm
22 not sure how we're going to solve that problem, but the
23 first thing is awareness. We need to be aware that
24 people are traveling, that there may be problems
25 cropping up in areas that we haven't seen before.

1 And be on the lookout for my other group, the
2 Disabled Off-Roaders of California. Our goal is to
3 preserve access for the disabled and elderly in our
4 national forests and public lands. The disabled and
5 elderly rely on motorized recreation for all access to
6 the outdoors. And many, such as myself, use OHV access
7 and OHV motorized recreation for rehabilitation from
8 their injuries and disabilities. We are working and
9 hoping there to be an acknowledgement from the federal
10 government, since they have legally mandated equal
11 access for the disabled to build environments, we would
12 like to lobby federal, state and local governments to
13 ensure access to outdoor and recreation environments,
14 as well. And that's something that's a little bit of a
15 gray area and is lacking. We have seen that our
16 community is polarized into OHV organizations on one
17 side and in some cases environmental organizations on
18 the other side, not necessarily talking together or
19 working together. And I'm really hoping that on the
20 issue of helping the disabled and elderly that both
21 sides can come together and work together to preserve
22 access, to understand that there is a tremendous need
23 out there, and solve some of the problems to help this
24 group that have very few advocates that are out there
25 working on the national lands. Thank you for the

1 opportunity.

2 JOHN STEWART: Good morning, Commissioners, John
3 Stewart, California Association of 4-Wheel Drive Clubs.
4 Route one of travel management is coming to an end, and
5 the forests throughout the state are beginning to issue
6 their MVUMs, motor vehicle use maps. I would encourage
7 the agencies, the Forest Service specifically, at this
8 point in time, to begin relooking at the way they
9 provide these maps to the public. The current state of
10 technology is that more and more people are delving
11 into electronic toys, if you will, or the GPS global
12 positioning systems that they carry along with them. I
13 would challenge the agencies to investigate or look
14 into making the route data for the designated route
15 system available in both a standard GPS exchange file
16 that can be downloaded and loaded into a general
17 purpose GPS system, but also would challenge them to
18 look into the future to what a lot of people are now
19 beginning to do, taking laptop's along with them with
20 complete GIS technology software, and start again
21 providing the GIS layers of the transportation data so
22 that this information is readily available and useful
23 to the public. And I would also turn to the Division
24 and with the SVRAs, the SVRAs produce maps of their
25 boundaries and identify certain trails in there. This

1 same type of technology could very well be employed to
2 provide GPS routes for the recreation people and also
3 the GIS layer so that the people know and have a better
4 of idea of where the route boundaries are, or the SVRA
5 boundaries are, where the designated routes or the
6 desired routes within the forests are.

7 And finally outreach and education is always a
8 great thing. And, again, we have new technology tools
9 available. Recently Tread Lightly and some of the
10 other recreation groups in other states comparable to
11 the California OHV Division have begun using some of
12 the social networking tools such as Facebook in order
13 to get the word out about what is going on. I would
14 encourage the OHMVR Division to begin looking at these
15 types of tools, the social networking tools. It's all
16 about reaching people. These tools are great for
17 networking and ways to reach out to people. It's just
18 another avenue to help get the word out about
19 recreational opportunities, where to go, and
20 responsible recreation activities. Thank you.

21 DREW ASHLEY: Hello, thank you for being here.
22 My name is Drew Ashley. I'm with the San Bernardino
23 National Association Off-Highway Vehicle Volunteers,
24 OC Dualies, a nonprofit organization of dual sport
25 riders. To the residents of Green Valley, the people

1 that were here earlier, I would say on behalf of the
2 SBNFA, if you do run into people that you think are
3 illegally off-roading, bring it to our attention. We
4 carry radios with us while we're out on patrols and
5 sometimes we can get ahold of law enforcement. We have
6 radios that are in direct contact with dispatch. We
7 try to go to shows, off-highway shows, sand shows, like
8 the one that was in Costa Mesa last weekend, to try to
9 portray to the off-road public the importance of
10 responsible riding so we keep our trails open. To the
11 fact that they say they saw some people riding on the
12 streets, many of the people in the public don't know
13 that there are dual sport motorcycles, where they might
14 have seen a dual sport plated motorcycle riding on the
15 street traveling to the trail.

16 And then as far as my last comment, a gentleman
17 earlier said that people that go out on Rhinos or
18 people that go out on off-highway vehicles might be
19 athletically challenged or athletically adversely
20 inclined, particularly in forms of recreation. They're
21 also those that are disabled, like the lady that spoke
22 earlier, that that is their only form of recreation
23 left viable to them to enjoy the forest just like many
24 others. And also there are those as myself that can
25 still run a six-minute mile. So I wouldn't call myself

1 adversely challenged athletically. But if anybody out
2 there in the community needs help, we're certainly
3 there to help those members of the SBNFA. Thank you.

4 PAM NELSON: I just arrived on an impulse kind
5 of. So we're two-and-a-half hours drive, but I came
6 because of 24 years of frustration. I'm Pam Nelson
7 from Orange Springs. I belong to a whole lot of groups
8 as I listed on my paper there, mainly it began with
9 being driven out of our home by off-road vehicle abuse.
10 I hear these stories over and over again still. And
11 now the Pacific Crest Trail, wetlands, all of this is
12 still happening, so here I am.

13 I'm bewildered, too, because it seems that we,
14 as a state, took people off dirt and put them on
15 pavement because we know of all of the problems and we
16 have grown up and learned what motor vehicles can do
17 and will do to our habitat, people, wildlife,
18 everything. So why in this Commission are we just
19 saying, oh well, it's a new industry, we'll let them be
20 spoiled adolescents and do whatever they want. I know
21 there's been lots of attempts, but it's almost like we
22 are reinventing the wheel -- no pun intended. We have
23 to have vehicles. We know that many of us become bad
24 apples behind wheels. It's a power thing. It feels
25 fun. It's speed. I probably do that, too, when I'm on

1 the highway. But we know all of those things after a
2 hundred years of using vehicles. We know about the
3 erosion. We know on designated trails if we don't have
4 bars, they'll go off, but we do need access. So the
5 bottom line is we need to have a road that is
6 designated and regulated. There have to be speed
7 limits. There have to be driver's license. There have
8 to be the limits that we've learned are necessary with
9 these power tools that we have. So I don't know if
10 I've said everything, but I would like to just say that
11 if we open an area or a road, have it monitored just
12 like we have a CHP on a highway. If we have racers,
13 that's what a lot of people like to do, speed, they go
14 in a designated, contained area. It has to be there
15 because it's unsafe for everyone. So thank you for
16 listening to my ranting and raving. I'm from Warner
17 Springs now.

18 CHAIR WILLARD: That concludes our public
19 comment. I want to take a moment to thank everyone
20 that came to speak. Hearing your comments is one of
21 the Commission's most important activities. We really
22 do encourage the public to come out and speak, and we
23 definitely understand that it's an effort to take time
24 out of your schedule, work, and what have you to come
25 and speak. So one of the things that we'll be talking

1 about in the workshop, which I also encourage you to
2 stay for this afternoon is how the Commission processes
3 these comments. One of the primary responsibilities of
4 the Commission is to not only receive the public
5 comment, but to somehow be an effective tool of making
6 sure that that public comment gets communicated to the
7 other appropriate parties, whether it be a local agency
8 or an off-road group that might be able to collaborate
9 in mitigating some of the problems. So we'll be
10 discussing that later. I just again want to thank
11 everyone for your comments. When we are down this way
12 again in the future, please feel free to come out and
13 give your comments again.

14 With that I think we move on to the U.S. Forest
15 Service.

16 COMMISSIONER SLAVIK: The folks that had those
17 comments, you might know that there is a website that
18 you can go to that you can actually send your comments
19 in and probably be enhanced maybe more somehow. It's
20 another avenue for you to address the Commission.

21 CHAIR WILLARD: Good point. Moving on, if we
22 could have the U.S. Forest Service report.

23 **AGENDA ITEM IV(D). U.S. FOREST SERVICE REPORT**

24 MARLENE FINLEY: Good morning, Commissioners, my
25 name is Marlene Finley. I'm the Regional Director for

1 the Forest Service for Public Services, which includes
2 recreation, lands, wilderness, heritage, and volunteer.
3 So I'm here to present the Forest Service report
4 starting out with I know the San Bernardino National
5 Forest was really excited to host you yesterday, as was
6 the association, and I want to thank all of the
7 volunteers who contributed their time volunteering on
8 public lands that are here today.

9 So first off, on travel management we've
10 completed two motor vehicle use maps. They've been
11 published, and that's the Stanislaus National Forest
12 Summit Ranger District and the Six Rivers National
13 Forest, basically the Smith River NRA have been
14 published. And at the printer right now are the
15 San Bernardino National Forest, the entire forest, and
16 the Cleveland National Forest motor vehicle use maps.
17 If you want to refer to our website, you'll find
18 completed motor vehicle use maps from throughout the
19 country. The website is posted on the report that's
20 available at the door. It's the fs.fed.us/recreation
21 website.

22 Also, our current schedule for travel
23 management, we have 11 environmental impact statements
24 that we've been working on this year. The Inyo just
25 posted their decision. Many of you are probably aware

1 of that. Also, upcoming decisions with tentative dates
2 are on the report. The Modoc National Forest, the
3 Stanislaus National Forest, the Plumas National Forest,
4 and the Sequoia National Forest are all lining up in
5 the gates to go to the printer. They're putting on the
6 finishing touches. I think the Sequoia is about to go
7 to the printer any day now. I talked with the forest
8 supervisor yesterday, and on the Sequoia National
9 Forest, they're going to be putting out their Final
10 Environmental Impact Statement with the 30-day comment
11 period and then post their decision after the comment
12 period. And the reason for that is if there's some
13 changes between draft EIS and final EIS. So the Forest
14 Supervisor decided to put that out for a 30-day comment
15 period.

16 And as you can see on the report that we
17 provided, there are a number of forests still working
18 on their final EIS and record of decision, the Tahoe,
19 the Lassen, the Klamath, the Shasta-Trinity, the
20 Sierra, and the Six Rivers National Forests are all
21 lining up to post their final EIS and records of
22 decision.

23 Now, on new projects, I know there's been a lot
24 of comments about motor vehicle use maps, and the
25 template that we're using nationally and improvements

1 that can be made. And so we are working on
2 user-friendly motor vehicle guide maps. In the
3 Mendocino National Forest, it will provide the first
4 next generation of guide maps. So they're working on
5 that. The Grindstone went to the printer, and the
6 Upper Lake is going to the printer next week. So
7 you'll see those coming out shortly. Also, the
8 Eldorado I understand is working on a user-friendly
9 motor vehicle use map. And some of you may have heard
10 that Government Accounting Office, GAO, did a review of
11 the OHV program nationally on federal lands, and one of
12 their findings was the recommendation to improve the
13 motor vehicle use map, the Forest Service motor vehicle
14 use map. So the agency is working on that right now.
15 And I heard during public comment a recommendation for
16 a web-based map, and our national Geospatial Technical
17 Development Center is working on a web-based
18 interactive motor vehicle use map. So that's in the
19 works right now.

20 Now, turning to another topic, and that is
21 litigation. There have been two lawsuits filed against
22 the Eldorado National Forest travel management plan.
23 One was filed by Public Lands To the People regarding
24 access. And the other more recent litigation, the
25 plaintiff is the Center For Biological Diversity and

1 the Center for Sierra Nevada Conservation. So two
2 lawsuits that the Eldorado National Forest is working
3 on right now.

4 Also, I have some additional highlights that
5 aren't on the report that I wanted to share with you.
6 One is that our national office is putting some
7 finishing touches on an OHV Implementation Guide For
8 Managing Off-Highway Vehicles. So that's being worked
9 on right now. Also, here in California, many of you
10 probably heard that the agency, the region was gearing
11 up to work on forest plan revisions for the Sierra
12 Nevada for us, and we've been talking about in the
13 region our requirement under the travel management rule
14 to complete Subpart A of the travel management rule.
15 Route designation is also called Subpart B of the
16 travel management rule. Subpart A of the travel
17 management rule requires the agency to identify a
18 minimum road system and also identify unneeded roads.
19 So that's in the rule, and we are working on how we
20 will improve that beginning with an assessment of where
21 each forest is, and project decisions that have been
22 made in the past, what road analysis process they've
23 used. Some of you may remember there was a RAC process
24 done, an analysis of the road systems nationally. And
25 typically the higher level maintenance roads, that is,

1 the passenger car roads, were analyzed at that time,
2 not the maintenance level one and two roads. So we're
3 doing an assessment forest by forest to see where we
4 are in the region and then go from there and determine
5 whether we have the capacity to do both Subpart A and
6 forest plan revision or whether we need to stage those
7 two. And right now it's looking like the agency in
8 California will probably start with Subpart A and not
9 pursue so aggressively our forest management plans at
10 this time. So that's just a little snapshot of where
11 we are with forest plan revision and Subpart A.

12 Also, we've been working with the Division and
13 California State on a land exchange at Hungry Valley
14 State Vehicle Recreation Area, and that's to make ease
15 of management which makes more sense. So that's
16 something I think has been in the works for about
17 20 years, and actually we've made some headway this
18 year. So we haven't crossed the finish line.

19 And that's all I have for the report today
20 unless you have questions.

21 COMMISSIONER SLAVIK: Just a question about your
22 last comment, is that what we're talking about, the
23 connection between Hungry Valley and Los Padres up Gold
24 Hill Road?

25 MARLENE FINLEY: Gold Hill Road, I'm not really

1 sure. I didn't bring the map with me, but it involves
2 the Los Padres National Forest.

3 COMMISSIONER SLAVIK: Involves access to Hungry
4 Valley to the federal land.

5 MARLENE FINLEY: I think Daphne could answer
6 that better than I can.

7 COUNSEL LA FRANCHI: Yes, that's correct. The
8 state owns some parcels that can be exchanged for some
9 federal lands. And as I understand it, my recollection
10 of the map is that will facilitate a tie-in for I
11 believe green sticker vehicles, as well. Right now
12 there is disconnect between the two for registered
13 green sticker vehicles, and that exchange will be part
14 of solving that problem.

15 COMMISSIONER SLAVIK: Projection for completion
16 of that, 20 more years?

17 MARLENE FINLEY: No, I believe we'll get it done
18 within this next fiscal year, 2010, which starts next
19 Friday. So we are getting close.

20 COUNSEL LA FRANCHI: I'm kind of on the working
21 team that's working on that, and that's consistent with
22 the plan, the step plan that's been set.

23 DEPT. DIRECTOR GREENE: Part of what we're
24 looking for as well as in ongoing discussions, I think
25 you heard John Pelonio talk about it earlier, is just

1 the relationship, given that Hungry Valley is right
2 there with Los Padres and where we can work with the
3 forest. In some instances, as a result of route
4 designation, we've seen some trails closed that did
5 provide access, and those were a result of resource
6 damage, do we have opportunities perhaps to create a
7 new reroute, some of the concerns obviously that the
8 forest has in terms of winter closure and how that
9 affects access to the park. So there are a lot of
10 management issues that we're working with both at the
11 ranger district and also with the superintendent of
12 Hungry Valley.

13 CHAIR WILLARD: Commissioners, any other
14 questions.

15 DEPT. DIRECTOR GREENE: I have a question of
16 Marlene, just for the interest of the Commission.

17 Marlene, if you could just clarify, the motor
18 vehicle use map does not come out until the DEIS is
19 final or becomes final? How does that work?

20 MARLENE FINLEY: The motor vehicle use map comes
21 out after the decision has been signed, so after there
22 is a final EIS and a decision, if there are any changes
23 to the existing national forest transportation system.
24 In some cases some forests went straight to a motor
25 vehicle use map because they did not make any changes

1 to their system.

2 DEPT. DIRECTOR GREENE: I received something,
3 and we can perhaps connect afterwards, that the
4 Stanislaus has released that; is that correct?

5 MARLENE FINLEY: For the Summit Ranger District,
6 for one district, yes.

7 DEPT. DIRECTOR GREENE: And just for
8 clarification purposes for the Commission, maybe at
9 some point in time we can collaborate and do a more
10 in-depth presentation about Subpart A and its effect.
11 Because I think what we've heard from a number of the
12 public that they're concerned that the implementation
13 of Subpart A on top of travel management and route
14 designation, does that mean you could be facing
15 additional route closures, and how can the OHV
16 Commission perhaps be proactive in looking at how they
17 can work with the forest to deal with these issues.

18 MARLENE FINLEY: We would love a workshop, like
19 a stakeholders, roundtable type workshop; that would be
20 great.

21 CHAIR WILLARD: Obviously, the thought occurred
22 to me that if we're going to close some roads that
23 happen to go to OHV trailheads, that's going to be an
24 issue for us. We definitely want to be engaged in
25 that.

1 MARLENE FINLEY: I would encourage folks to look
2 at the Forest Service Handbook 7709.55, Chapter 20
3 because it outlines what the work is that needs to be
4 done to meet Subpart A, and it lays out the criteria.
5 So that's a good starting point.

6 CHAIR WILLARD: Do you envision this being a
7 major undertaking, like the Subpart B we just went
8 through over the last three, four, five years? Is it
9 going to be intense like that or is it a much more
10 abbreviated thing? And then part two of the question,
11 will you be applying for grant funds to go through that
12 process like you did before?

13 MARLENE FINLEY: Well, to your first question,
14 the difference between Subpart B route designation and
15 Subpart A is Subpart B is a decision. It's a decision
16 that is implemented. So that engages NEPA, National
17 Environmental Policy Act procedures. Subpart A is an
18 analysis. So there is no decision. It's an analysis
19 which informs future decisions, but it's not a
20 decision. It's an analysis. It's the left-hand side
21 of the NEPA triangle, so to speak. It's before you go
22 to public scope, then you have projects that are
23 proposed.

24 And I can't really answer your second question
25 at this time. It's too early. That's why we're doing

1 the assessment to figure out where we are.

2 CHAIR WILLARD: We'll go to public comment now
3 for the U.S. Forest Service report.

4 ED WALDHEIM: Ed Waldheim. Hungry seven, 1977
5 we started with Hungry Valley. We were part of the
6 team that created the management plan. So, Marlene,
7 since 1977 we've been working on that. The only
8 problem, there is some disconnect between what the
9 expectancy is. The Forest Service owns the land to the
10 entry going into Hungry Valley. At that entryway, the
11 Department of Parks and Recreation, OHV Division wants
12 that piece of property. We provided the funds to
13 purchase a piece of land from private property. I
14 think it was 80 acres that we purchased. And so what
15 the Forest Service and Marlene is talking to Daphne
16 about, they're trying to make a swap. You give me that
17 piece of property, and I will take that. That in
18 itself will not guarantee us that we are going to get a
19 trail, and I think we have to be very, very clear to
20 the Forest Service that they should be working already
21 on getting a trail to that. And I've always said to
22 Mr. Forest Service and to Peggy Hernandez, why are you
23 not developing a trail system? Get the paperwork going
24 up to the land that's owned by the state. And I'm
25 saying to Daphne, why aren't you developing a plan for

1 the trail to go through your 80 acres so they can pick
2 it up on the other side and go back to Hungry Valley?
3 And we're in this Mexican standoff just because they're
4 going to do this exchange. It doesn't guarantee us
5 that it's not going to take another 20 years to get our
6 trails, Mr. Slavik. And that has me real concerned.
7 The two go hand in hand. We want to get the people off
8 of that pavement. You're not going to get them off.
9 I'm not going back to Hungry Valley on a trail where I
10 just came from because I physically can't get up that
11 trail again because it's too difficult. So everybody
12 gets on the pavement and goes back to Hungry Valley.
13 It's as simple as that. So we need to do something to
14 get that result. I'm encouraged that they're moving
15 forward, but I would like to caution there is more to
16 do than just make this exchange, and it should be part
17 of the process that they do it.

18 TOM TAMMONE: Tom Tammone. Anyway, I want to
19 expand on what was said by CORVA about disabled people
20 and the ability to ride. And Rhinos kind of got left
21 out of the process and our forests. Basically 50
22 inches is 50 inches. If it's under 50 inches, it can
23 ride on a 50-inch trail. If it's over, it can't. Not
24 all forests have done that. I've heard all kinds of
25 arguments that, well, there's turning radius, center

1 straddle, da, da, da. Well, I've taken trail
2 management and trail planning from Cam Lockwood and his
3 group, Trails Unlimited. In all of the issues of
4 designing a trail, those never came up. I had this
5 conversation with Ken Lockwood four years ago when the
6 Rhinos first came out, and the consensus of the
7 conversation was 50 inches is 50 inches, either it's
8 over or it's under. If you widen the trail to 55, then
9 the manufacturers are just going to make 58-inch wide
10 vehicles. They are making 50 side by sides, but I'd
11 like to see the Forest Service nationwide include that
12 in their travel management plans. I've ridden in
13 Rhinos. I like them. I like riding motorcycles and
14 quads, but it's a vacation to ride one. They're easy
15 to drive. It doesn't require skills. Parents want to
16 watch their kids, it's a good way to carry the ice
17 chest and ride along with your kids if you don't have
18 the skill to ride a center straddle vehicle or a
19 motorcycle. It's a safety thing, watch your kids and
20 supervise them while you're riding. If it's only 50
21 inches wide, and they do make them, they should go on
22 50-inch trails so you can participate with your family
23 and ride. As I said, not everybody has the skills to
24 straddle a vehicle. They shouldn't make that the
25 distinction. It's 50 inches, either it's over or

1 under. It's that simple. Thank you.

2 DAVE PICKETT: Good afternoon, Dave Pickett,
3 District 36 Motorcycle Sports Committee, comments in
4 relation to Marlene's report. At the July 16th
5 meeting, District 36 raised the concern yet again about
6 the cost recovery issues that are taking place. Heard
7 nothing. I'm not beating up Marlene for this, but we
8 need to move forward on this. If you remember, I made
9 the comment that under travel management all of these
10 trails would be approved, certified, identified,
11 authorized, scrutinized, vilified and reviewed. And I
12 just got a quote for a cost recovery of over \$10,000
13 for a family enduro riding free on the same trails as a
14 permitted event the day before. The reason, they need
15 a complete NEPA analysis. What the heck? For \$250
16 entrance, a \$10,000 fee to use trails that are
17 maintained and paid for. This is getting over the top.
18 Thank you.

19 JOHN STEWART: Good afternoon, Commissioners,
20 John Stewart, California Association of 4-Wheel Drive
21 Clubs. I mentioned earlier that travel management is
22 coming around to the end of part one. Part two coming
23 up with, as Marleen Finley addressed, the Subpart A
24 analysis. Thank you for the reference to the handbook.
25 I would like to point out that the Forest Service

1 handbook provides a high-level guidance for what
2 process should be used in order to conduct that
3 analysis. The handbook does not identify the local
4 needs from the forest to manage the forest areas. Now,
5 stated another way, is prior to stepping into the
6 analysis for Subpart A, it's logical that the local
7 forest have a current management plan that outlines the
8 local criteria that address the current desired goals
9 and objectives for the land and resource management
10 plan. Marlene also noted that the management plan
11 updates for the Sierra forests are being delayed.
12 These are management plans that most of them were
13 developed in the mid '80s, and then they are going to
14 step into Subpart A for an analysis? I'm very
15 concerned that this analysis will be flawed because it
16 is not based on current management requirements for how
17 to manage the forests, and as such a lot of the
18 existing designated route system that we worked so hard
19 to come up with will fall prey to a faulty analysis and
20 thereby in the future imperilling what we have to date.
21 So I would encourage the Commission to write a letter
22 to the Region Five and encourage Region Five to proceed
23 posthaste with the updating of the plan, the land
24 resource management plans, in order to use that as the
25 basis -- new, current, direct information as the basis

1 for conducting any analysis. The analysis can very
2 easily be done within the scope of the development of
3 management plans. So it's my belief that the
4 management plans need to be updated before we get into
5 any more disjointed separate analysis and compound
6 problems. Thank you.

7 AMY GRANAT: Hello, Commissioners, this is Amy
8 Granat. I'm with the California Association of 4-Wheel
9 Drive Clubs. And many times you'll see me up here kind
10 of criticizing the Forest Service for what they've
11 done, and actually I'd like to take this opportunity to
12 commend the Forest Service for a couple of recent
13 actions. I know everybody is surprised. We had a
14 meeting recently, myself and Sylvia Milligan, with
15 Recreation Outdoor Coalition, a representative from
16 Back Country Horseman, and a consultant from NOHVCC.
17 We found it an extremely good experience. It was a
18 very productive meeting, and we look forward to more
19 meetings of this sort, and we definitely talked about
20 collaborative solutions to problems. And we also got
21 an opportunity to look at the Tweener maps, the maps
22 after the MVUMs. And as critical as I've been of the
23 MVUMs, these were very well crafted maps. They were
24 usable. A lot of work went into it to make sure it had
25 a lot of information on it, and they were also easy to

1 read. And so I do think when somebody does something
2 good you have to pat them on the back and give them an
3 attaboy, and that's what I'm doing.

4 That said, you have to be aware, as Marlene
5 Finley said, the finals for all of these forests are
6 going to be coming out right around the holidays.
7 We're going to get quite a few of them between
8 Thanksgiving and Christmastime. And that's going to be
9 a very, very difficult time for our public, any public,
10 environmental public, OHV public, it doesn't matter
11 whose public, to comment on these plans, to really read
12 them, analyze them and be able to comment on them. And
13 I'm not sure what we can do about this, if we can ask
14 them for extensions. But having even two forests come
15 out at the same time, let alone four or five, is really
16 quite a process. And Cal 4, and I think all of the
17 organizations, encourage the public to participate in
18 the public process because we are the public in the
19 public process, and everyone has a right to file a
20 comment after a final has been released. Thank you
21 very much. That's all I have to say.

22 CHAIR WILLARD: Thank you. That concludes the
23 public comment period. Before we move on, Deputy
24 Director, did you have any last comments on either the
25 BLM or U.S. Forest Service reports?

1 DEPT. DIRECTOR GREENE: Jim Keeler, I just have
2 one question I forgot earlier to ask you. Jim, we had
3 received some reports, and perhaps you can let us know
4 if it's accurate or not, and if not, let's confer
5 afterwards, that at Clear Creek they are beginning to
6 tear down some of the toilet facilities that had been
7 installed with OHV Trust Funds looking towards the
8 implementation of the new plan that was to come out.
9 Do you know anything about that?

10 JIM KEELER: I'm totally unaware of that.

11 DEPT. DIRECTOR GREENE: Let's coordinate to make
12 sure that, in fact, is not occurring. Thank you.

13 (Meeting reconvened after a 4-minute break.)

14 **AGENDA ITEM - BUSINESS ITEM V(C)**

15 CHAIR WILLARD: We're moving on to Item C, which
16 has been moved to Item A on the business items,
17 Division's past, present, and future education and
18 outreach program efforts. Deputy Director, will you
19 please lead us in this discussion.

20 DEPT. DIRECTOR GREENE: Thank you. This topic
21 came on the agenda, as Commissioner Van Velsor said,
22 with the Education Subcommittee. There are a lot of
23 questions about where we have been with our education
24 program and where we go. And I think some of the
25 questions today, as you even do some of the outreach,

1 how do you know that you've been successful. And so as
2 we look at those and the investment of funding that we
3 would put in and want to for an education campaign, we
4 decided today to provide essentially an overview and a
5 perspective of where we are and where we're going.

6 So Aaron Freitas, who is our contact person at
7 the Division in charge of education outreach, will look
8 at that from a broad perspective, will do that before
9 lunch giving a bit of historical perspective, and then
10 we will break for lunch. Right as we come back, and we
11 recognize the amount of things that we still have on
12 the agenda, but we have a really important presentation
13 given by the staff from Ocotillo Wells SVRA. So you've
14 seen in the back of the room some of the items that
15 they have. We would encourage all of you during lunch
16 to take a look at that and ask some questions in
17 preparation for their presentation right after lunch.
18 So on that note, I'll turn it over to Aaron Freitas.

19 OHV STAFF FREITAS: Good afternoon,
20 Commissioners. My name is Aaron Freitas. For those of
21 you who don't know, I work at OHV Division headquarters
22 and am responsible for marketing outreach.

23 What I will to be discussing today is a brief
24 overview of the history of what we've done in the
25 Division over the last probably 10 to 15 years, a

1 concept of how we do marketing versus private sector
2 versus government marketing, what we're doing, what our
3 plans are for marketing and outreach here in the
4 Division for the next few years, and how we break that
5 up. And that's kind of broken up into interpretation,
6 marketing, and public relations.

7 (A 15-minute PowerPoint presentation ensued.)

8 COMMISSIONER McMILLIN: Is that a newsletter
9 that we are currently putting out?

10 OHV STAFF FREITAS: That's a prototype you saw.

11 COMMISSIONER McMILLIN: What's the budget that
12 we allocate towards this type of media, all of your
13 media, all PR, all of the advertising?

14 OHV STAFF FREITAS: It's varying right now.
15 SB 742 has changed that. Also was mentioned before,
16 we're hiring a significant portion of staff right now.
17 So one of the things we're doing as this transition
18 goes through, we are looking at all of that. The
19 budget has varied over the years depending on the
20 programs that we've done and where we've put in
21 intensity. So right now there is not a defined budget.
22 That's something we're developing as we speak.

23 CHIEF JENKINS: We do have positions identified.
24 For instance, we had identified back during that last
25 budget change proposal when we were looking at

1 positions throughout the Division, we had identified
2 interpreters to be at headquarters specifically to
3 supplement Aaron in his activities to develop a
4 statewide educational program, et cetera. Those two
5 positions we would have filled in this last year, but
6 they are part of this whole budget scenario of the
7 freeze that Daphne mentioned earlier. So we plan to
8 fill those two. So we're budgeted for those two
9 positions.

10 As far as the campaign we want to run,
11 et cetera, right now we have ample budget to run an
12 ample number of campaigns. Once we go further along
13 the program and come up with a really large campaign
14 that would be truly expensive, then we would do another
15 budget change proposal to supplement our budget
16 specifically for the program.

17 DEPT. DIRECTOR GREENE: Marketing, I will just
18 say, is incredibly frustrating, quite frankly. As we
19 look forward to trying to move forward, as Mr. Waldheim
20 always hits us over the head and says just do it, we
21 have to allocate those monies. You have to do a budget
22 change proposal. They weren't accepting budget change
23 proposals as we went into it two years ago because
24 we're always on that 18-month ahead cycle. Then as we
25 had the position allocated, Aaron has not been able to

1 work part of this year because he's a contractor. All
2 contracts were frozen. So we get into this spiral,
3 which is extremely frustrating, and I know Mr. Waldheim
4 will hit me over the head, but there are sometimes some
5 of those bureaucratic ways that we have to work with.

6 After we come back from lunch, you're going to
7 see a presentation from Ocotillo Wells on how they have
8 tried to work within their own budget to put together a
9 fabulous campaign, something again that we can move
10 forward on, but we have to be very careful because,
11 unlike Ed who has that freedom and flexibility to just
12 put up a billboard, we are always under the microscope
13 about what analysis have you done to determine that
14 that is the most effective campaign and the efficient
15 use of our dollars.

16 So I think as we work with the Education
17 Subcommittee, it is to try to narrow down what are
18 those priorities, as we look at statewide, and working
19 with SB 742 that specifically said when you look at
20 education and outreach and the safety and education in
21 the grant program, how do we make sure that we move
22 forward in a thoughtful way that give us the greatest
23 success and greatest return on our investment.

24 OHV STAFF FREITAS: To elaborate on that a
25 little bit, one of the things to recognize that as a

1 state agency being in a centralized role, we're also
2 going to be focusing our marketing efforts on doing
3 campaigns statewide. And those campaigns can be
4 significant in cost. Those campaigns are going to
5 encompass a lot of issues, as well as a lot of
6 geographic territory. And any marketing campaign
7 budget is going to be defined based on the number of
8 views you get, as well as the exposure, and the
9 geographical regional area you're going to be hitting.

10 COMMISSIONER McMILLIN: Correct. The marketing
11 and PR dollars are hard to measure. Only 10 to 15
12 percent of them work, if we knew what 10 to 15 percent,
13 that's the only money we'd spend. But I caution you,
14 when you first started out, you said you're different
15 from the public sector. I would question that. We're
16 all working for the public. I'm working for the public
17 building homes. You're working for the public. We
18 need to convince the public that what is being spent
19 here, their money, is being spent right. So we've got
20 to make sure that we market towards what makes them
21 feel good and what gets the job done. Sometimes at
22 work we get caught up in what makes us feel good as
23 executive committees, then we get off the target on our
24 own marketing dollars because we're doing branding and
25 stuff that makes us feel good and forgot about the

1 public.

2 OHV STAFF FREITAS: Absolutely.

3 COMMISSIONER VAN VELSOR: Aaron, I want to thank
4 you for that. It was very informative, and I think
5 it's going to be helpful for us when we have our
6 discussions this afternoon from the standpoint of
7 information that we can be more effective in those
8 conversations. And I just wanted to add one thing, and
9 I believe we've had this conversation before, using the
10 grant program and taking the messaging, the curriculum
11 that you're hoping to development and infusing those
12 into the grant programs, working with those grantees so
13 that that money is getting out on a consistent basis.

14 OHV STAFF FREITAS: Absolutely, I think one of
15 goals is that education curriculum isn't going to be
16 proprietary. If you stretch the imagination, it's
17 going to be available to the public. And our grants
18 program is a great opportunity for various entities,
19 various organizations to come in and apply for funds.
20 And we've laid a lot of that groundwork. If you have
21 education materials, those marketing tools are already
22 there, grant funds can be used for distribution mediums
23 and not have to go back and reinvent the wheel.

24 CHAIR WILLARD: So we are going to break right
25 in the middle of this business item. Commissioner

1 comments and public comments will occur once we're done
2 with the business item. But being that it's five after
3 one, this is an appropriate time for the lunch break.

4 (Meeting reconvened after a 57-minute lunch.)

5 CHAIR WILLARD: Continuing on with Item C with a
6 presentation from staff at Ocotillo Wells.

7 KATHY DOLINAR: Good afternoon, Commissioners,
8 my name is Kathy Dolinar. I'm the district
9 superintendent for Ocotillo Wells and with me today to
10 give our presentation is Steve Quartieri, is he
11 actually an environmental scientist and is the chief of
12 our Interpretive Division at Ocotillo Wells at this
13 time.

14 I arrived in Ocotillo Wells late in 2003 and was
15 making sure that everything we did was in line with our
16 OHV mission. As you are aware, Ocotillo Wells is a
17 California State Park and also a SVRA. We're highly
18 charged with the mission of balancing resources and
19 recreation. At the time I arrived, there were a number
20 of problem areas across the board. There was a lack of
21 education on the part of staff and the public. I saw
22 problems in the public safety, and we've heard from a
23 number of people today that what they feel is needed
24 for public safety is more officers. In my 30-plus
25 years with California State Parks, you cannot put

1 enough money and time and energy into taking care of
2 the problem after it occurs. You have to look at those
3 problems upfront. Our maintenance was spending an
4 incredible amount of time on trash pickup. There was a
5 lack of recycling. There was disregard for the
6 resource fencing that had been put into place, and the
7 park was focusing on taking care of the problems after
8 they happened.

9 We decided that what we were going to do had to
10 be mission driven. It had to come from existing staff
11 and funding. In order to do that, I had to reach
12 across classifications and give to everyone some
13 responsibility and some buy-in into making the mission
14 happen. We did things such as provide ATV instructor
15 training to administrative personnel, maintenance
16 personnel, resource personnel, interpretive personnel,
17 and our supervisor of roads and trails. It was an
18 across the board, everybody who stays in the park needs
19 to help us get our mission out because if we can
20 educate people about the mission, they can help us not
21 to have to deal with those after-the-fact problems.

22 We decided to instill an educational component
23 to everything. There had been an ongoing history of
24 resource fences being installed and being taken down
25 and run over on a regular basis. When I arrived at the

1 park, they said what we do is keep putting the fences
2 up. There was no educational signing inside those
3 fences that talked about the importance of what that
4 fence was there for, why that area was closed off, and
5 how it helped them to ensure long-term sustainable
6 riding.

7 We put our educational message throughout the
8 park on interpretive display shelters. Again, I talked
9 about having skeptical staff. The feeling on the part
10 of staff, if we put them up, they will burn them down.
11 Now we've installed 20. In five years, we've lost one.
12 To me that's very good odds and a very cost effective
13 program. The panel on those were developed by staff at
14 a cost of approximately \$300 to \$400. For us to have
15 gone out professionally to have them done would have
16 run between \$5,000 and \$10,000. They were developed in
17 every area from responsible riding, safety, and
18 education about what the resources were, and what it
19 meant to be in a state park.

20 One of the major lacking pieces was that people
21 did not know that they were in a park. We can't expect
22 them to follow the laws and regulations, whether
23 they're in a park, a national forest, a BLM property,
24 if they don't know that that's the property they're on
25 and that they're in an area where certain laws,

1 regulations and responsibilities apply. So we began by
2 putting signs out that identified the park.

3 We had what I call a trash management program.
4 As you can see the trash management was not an
5 effective program. The wind caused trash to be blown
6 and strewn throughout the park. The birds got into the
7 trash, caused it to be strewn throughout the park
8 again, and the staff time was incredible. After every
9 holiday weekend, it took at least one week for four
10 staff members to pick up the trash that had been strewn
11 about. People were not encouraged nor required to
12 recycle. We took our trash management problem or
13 program and changed it into a trash maintenance program
14 where we looked ahead to how can we effectively, one,
15 contain this trash, two, reduce the trash and encourage
16 and require people to recycle. We did that by building
17 what I have often referred to as the monkey cage. It's
18 not a monkey cage at all. It's a trash containment
19 cage, which keeps the trash from blowing around,
20 eliminating the cost and staff time to pick up the
21 trash after the holiday weekend. During the season it
22 will have a large bin for trash and a large bin for
23 recycling with information about the importance of
24 recycling. That way the people separate their trash,
25 it's not strewn throughout the park, and they learn a

1 little bit about what they can do to help with the
2 maintenance issues.

3 We started and continue desert cleanup events
4 every fall. We've done this in partnership with the
5 San Diego Off-Road Coalition, North County Yamaha. We
6 solicited partners from the user groups, the local
7 community and businesses. North County Yamaha gives us
8 T-shirts every year that go out specifically just to
9 find somebody who's been doing the right thing, and
10 they get a T-shirt. Our desert cleanup was very
11 effective, and we continue to reach out to the
12 community.

13 (Examples were given of specific activities.
14 Steve Quartieri was introduced and gave a 45-minute
15 in-depth PowerPoint presentation on programs at
16 Ocotillo Wells.)

17 CHAIR WILLARD: Before we get into questions,
18 Commissioner McMillin needs to take off so I'm going to
19 say goodbye to Commissioner McMillin.

20 I have one comment, wow. You guys are
21 unbelievable, very impressive. Talk about the
22 resourcefulness, ingenuity, creativity, and tremendous
23 amount of energy, boy, you guys didn't miss a thing.

24 STEVE CORTIERI: You learn from these
25 opportunities. We do these program. We grow from them

1 and build on them every time.

2 COMMISSIONER SLAVIK: Yes, I agree totally. I'm
3 wondering if there is an Academy Award for State Parks
4 programs. You guys certainly would be nominated, and
5 I've been around parks for a long time, and I haven't
6 seen that kind of variety of programatic stuff for
7 people to do. You guys have really done an awesome
8 job, and I'm guessing the rest of our parks are at
9 least trying do things like this.

10 DEPT. DIRECTOR GREENE: We're trying keep up.

11 KATHY DOLINAR: We do extend to you an
12 invitation to the park. Let us know ahead of time,
13 we'll arrange special tours.

14 COMMISSIONER SLAVIK: We've been talking about
15 how we can portray the good works that you guys are
16 doing to the legislators and general public, and these
17 people that don't seem to understand what really OHV
18 really can do for the community. We've got to figure
19 out some way to put this all together in a package that
20 can be developed. And obviously people don't have an
21 hour to listen, but there's got to be highlights that
22 can be utilized here.

23 DEPT. DIRECTOR GREENE: I would like to say a
24 special thank you to the entire staff who came here
25 today with the exhibits in the back, and I hope

1 everybody and the public has had a chance to look at
2 them and enjoy them. The energy and enthusiasm with
3 which you approach all of the programs at Ocotillo
4 Wells, they set the standard for all of us. We really
5 appreciate it, so thank you.

6 CHAIR WILLARD: I guess we'll have public
7 comment, if there is any.

8 TOM TAMMONE: You've already said my name, Tom
9 Tammone. It was very exciting the stand and shine
10 super show watching these guys and the excitement
11 everybody was having about what they were presenting.
12 The only thing that I commented, I wish we had some of
13 the Tread Lightly generic stuff mixed in a little more
14 with it, like spark arrestors so you guys don't burn
15 down these habitats and don't run over these guys'
16 habitat. Very excited, very good, and really shows
17 that OHV people aren't just about thrashing things. We
18 like nature too, and that's the reason why we're out
19 there. Just like the reason I got involved with the
20 Forest Service because we used to go on vacation, go up
21 north. We used to look at the rangers as the go-to
22 guy. We used to love going to those kind of shows and
23 stuff like that, interpretive events. And I think as
24 the SVRAs get involved in that, make sure we get the
25 OHV-related education in there, too. Thanks.

1 JOHN STEWART: John Stewart, California
2 Association 4-Wheel Drive Clubs and also represent the
3 Tierra Del Sol 4-Wheel Drive Club of San Diego. As
4 mentioned in the presentation, Tierra Del Sol has been
5 involved in several of these activities. Tierra Del
6 Sol runs an off-road event catering to four-wheel drive
7 that is one of the oldest and largest ones in the
8 nation. We draw 1200 to 1500 vehicles registered per
9 year. And this past year at our headquarters area we
10 had a vendor show comprised of about 68 vendors on
11 site. This little exhibit you see back here in the
12 back was also there, with their discovery center for
13 the kids. I guarantee you, his estimate he gave of
14 4,000 to 6,000 people was very conservative. That area
15 was packed for over 36 hours straight. They have got a
16 fantastic outreach program, and they are very well
17 received in the community. So thank you.

18 **AGENDA ITEM V(A). Improve Meeting Process**

19 CHAIR WILLARD: Moving on to the next business
20 item, which is Item A, and this is a discussion and
21 possible action by the Commission regarding how we
22 conduct our meetings. And specifically a discussion of
23 our requirements under the Bagley-Keene Open Meeting
24 Act. This has come about where we've had just a couple
25 of complaints, comments on how we conduct our meetings,

1 and we want to make sure we're doing it in the best
2 manner possible. And so even though there were just a
3 couple of complaints, we felt it was good idea to have
4 a general discussion on it.

5 I think if the Commissioners so desires, the end
6 goal of this would perhaps be a direction to the Chair
7 to perhaps draft some language that might modify our
8 policies and procedures because our policies and
9 procedures, which we recently approved, sort of guide
10 how we conduct our meetings. I don't want to take our
11 time to get into wordsmithing. We've got time to
12 perhaps do that at the next meeting.

13 So I think what I would suggest is that we have
14 the discussion, and perhaps we do nothing. But if
15 there are some changes to the way we conduct our
16 meetings, then the Commission can direct the Chair to
17 craft some potential amendments to the policies and
18 procedures. I'll bring that as an agenda item to the
19 next meeting. We can have that as a first item,
20 discuss it, and vote on it. And if it's approved, then
21 it would become part of our policies and procedures
22 effective for how we conduct the rest of the next
23 meeting.

24 Does staff, Deputy Director, or counsel, have
25 any comments? I don't think we need to have an

1 overview of Bagley-Keene. We're all pretty familiar
2 about how that works. I can kick off a discussion.

3 DEPT. DIRECTOR GREENE: Just trying to figure
4 out how to make the most efficient use of your time and
5 what do you want to hear. For instance, in years past
6 we did not have always public comment on the Deputy
7 Director's report on each item, but perhaps we started
8 to do that. How can we better and more effectively
9 provide you with guidance on those reports. Are there
10 times when we just want updates and wouldn't want to
11 take an action. The Commission wants to take an action
12 on any topic at their meetings, we need to make sure
13 that that's agendized, what does that look like. Do
14 you want some standing topics under reports? Just
15 looking for some guidance from all of you to make sure
16 that we're meeting your needs on how each of these
17 meetings go.

18 CHAIR WILLARD: It's sort of a balance of
19 wanting to get the public input, but at the same time
20 being cognizant that we definitely have time factors,
21 that people are taking time out of their busy schedules
22 to come here, perhaps they don't want to sit here all
23 day and listen to a lot of comments they might not be
24 interested in. So how do you get a lot of good comment
25 in, but at the same time keep the meeting well

1 organized and run as well. That's one thing.

2 And then there was a request for perhaps
3 changing the time limits. Currently we have two
4 minutes for an individual, four minutes for an
5 organization. Do we need to or want to talk about
6 that. And then I think the last item that I think we
7 should talk about is how we handle things that aren't
8 business items that we may want to take an action on.
9 In the past there have been some actions that we've
10 taken that it was complained that we did not follow
11 procedure, and we were in violation of Bagley-Keene. I
12 don't think we were; counsel doesn't think we were. I
13 think we probably should have a little bit of
14 discussion, perhaps maybe modifying our agenda so that
15 we can make sure that the public is fully informed on
16 any business item that we might want to take action on
17 now. That needs to be balanced against something comes
18 up, it just comes up out of the blue, and we can't wait
19 for two or three months for the next meeting to take an
20 action. We want to take an action now. So that's kind
21 of the tradeoff is trying to do the public notice so
22 that the public have an opportunity to come if they
23 think they want to give testimony, input on an item,
24 but at the same time we also want to be proactive and
25 address situations as they arise in a timely manner. I

1 think I've outlined three areas we can talk about and
2 just take them from there one at a time.

3 COUNSEL LA FRANCHI: I think the first item up
4 was how the Commission wants to address the agenda
5 items. You'll recall a meeting or two ago, I believe
6 it was the travel management report, questions about
7 public comment periods, and the Commission felt that
8 that was an important item that needed to be addressed.
9 And there was some concerns that it wasn't mentioned on
10 the agenda so the public felt it didn't have an
11 opportunity to prepare for that topic and make
12 meaningful comments. So that's really the issue.

13 If the Commission feels that it wants to be in a
14 position to be able to act effectively during the
15 meeting on items that are going to come up during the
16 meeting, at least during the report aspects, it would
17 be necessary to expand the agenda to, first of all,
18 adopt that concept that the Commission may take
19 actions. Right now the footnote says the Commission
20 will not take action on report items. So that would be
21 the first issue that we would need to consider, whether
22 to adopt that concept.

23 And then if we do adopt that concept, the
24 Commission would need to begin to figure out what kinds
25 of topics the Commission would like to have regularly

1 reported on during those reports so the public knows
2 that these will be items that will be under discussion
3 and Commission may take action. That's probably not a
4 simple process. This is something that wouldn't happen
5 in one meeting but over time. So I think that's the
6 gist of that issue. At this point, you could maintain
7 the status quo, maybe make some adjustments. I think
8 that's what the issue was as we saw it.

9 CHAIR WILLARD: So, for example, under Deputy
10 Director's reports, legislative updates, Item B(3), if
11 we were to have Items B(3), then a little A, B, C, D
12 that would include specific bills, would that then be
13 enough so that we could take an action on a specific
14 bill?

15 COUNSEL LA FRANCHI: Right. The explanation
16 would be the Commission may take action on that if it
17 wishes to.

18 CHAIR WILLARD: I for one think that that's
19 probably a good idea to try to just generally expand
20 the agenda to be a little bit more inclusive of items
21 that we might want to discuss and take action on, and I
22 think in that regard we probably need to give more
23 direction to U.S. Forest Service and BLM as to specific
24 items that we might be interested in. That's probably
25 best done the meeting beforehand maybe, or maybe the

1 Chair can do it in between meetings before the agenda
2 comes out.

3 DEPT. DIRECTOR GREENE: For instance, the way we
4 have them in the Deputy Director's report, where we
5 have four standing items, you may in the area of BLM
6 identify four or five or six areas where you always
7 want an update, perhaps the regions of the state,
8 individual field offices, whatever that may look like.

9 COUNSEL LA FRANCHI: Right. And under general
10 program update, the Deputy Director's report probably
11 has to spell out some key topics that you would like to
12 track.

13 And one of the thoughts we had also ties in with
14 the workshop concept, but out of that might come some
15 ideas that the public feels are important to track, and
16 the Commission will set up its list of priorities of
17 things it wants to follow. And certainly at the end of
18 the day if something isn't on there, the Commission has
19 to recognize it may have to put off an action on an
20 item that isn't listed, to continue that.

21 CHAIR WILLARD: So I think in order to
22 facilitate moving this discussion along in an expedient
23 manner, perhaps I'll put forth a motion that the Chair
24 will develop an amendment to the policies and
25 procedures to better define agenda items so that the

1 public can be better informed as to items the
2 Commission may take action on. That's a motion.

3 COMMISSIONER LUEDER: Second.

4 COUNSEL LA FRANCHI: The idea would be to bring
5 that back to the next meeting, might get some more
6 public input on that concept.

7 CHAIR WILLARD: That's right. So what we would
8 do is then I would bring back to the next meeting
9 written language that would be an amendment to our
10 policies and procedures. That language can be given to
11 the public ten days before. We would take public input
12 on that. We would discuss it, and if we wanted to
13 approve it, then we would approve it at the next
14 meeting, even amend it, and then approve the amended
15 amendment. So that's my motion. I need a second before
16 we can have discussion.

17 COMMISSIONER SLAVIK: Second.

18 So will this take care of something that comes
19 up as an emergency situation during a meeting?

20 CHAIR WILLARD: My understanding is not unless
21 it's specifically something related directly to the
22 topic that would be listed, like BLM report Clear
23 Creek. It would have to be something associated with
24 Clear Creek. It couldn't be some other new topic.

25 Now, there is a mechanism within Bagley-Keene

1 that after the 10-day period where the agenda is
2 posted, up to 48 hours before the meeting, if something
3 new comes up we can include that in the agenda by
4 discussing it at the beginning of the meeting, and if
5 there's a two-thirds vote of the Commission, we can
6 then add that to the agenda. But it has to be some
7 sort of an emergency situation.

8 COUNSEL LA FRANCHI: Has to be something that's
9 deemed to be an emergency that has to be compelling.

10 COMMISSIONER SLAVIK: So that would be my most
11 important thing I would be looking at is how can we
12 deal with something that jumps on us right off the bat
13 and have to deal with it before the next meeting.

14 COUNSEL LA FRANCHI: I think what this imposes
15 on the Commission is the ability to be able to be a
16 little visionary about looking ahead, what are the
17 kinds of topics that you think are important that might
18 be coming up so that there is sufficient notice in the
19 agenda so that it does impose these are the areas we
20 want to follow. But you'd still have the problem if
21 it's not on the agenda of not being able to address it
22 in emergencies.

23 COMMISSIONER SLAVIK: Can we make the agenda
24 broad enough to encompass everything, like a job
25 description that says anything that's not in the

1 description we're going to take care of anyway?

2 COUNSEL LA FRANCHI: For example, the lead
3 issue, you might want to track legislation dealing with
4 consumer concerns about ATV safety, that I think would
5 be sufficient enough that the public would be on notice
6 that you would be getting reports or tracking that. So
7 if something came up within that broader topic, you
8 could take action. But there would have to be at least
9 enough breakdown.

10 COMMISSIONER SLAVIK: Or immediate land
11 closures.

12 COUNSEL LA FRANCHI: Immediate land closures,
13 trail closures, public comment periods, something
14 sufficient enough that would give the public the
15 ability to know that this is something that's important
16 to the Commission.

17 CHAIR WILLARD: So maybe at the next Commission
18 meeting under this topic we might want to discuss some
19 of the standing broader agenda items or sub-items we
20 may want to have as an ongoing thing. And what's going
21 to come out of this is our agenda is going to grow in
22 size, not fit on two pages.

23 DEPT. DIRECTOR GREENE: If I may, just as the
24 staff to the Commission, we have to have a little bit
25 of guidance for our staff. I understand if an

1 emergency comes up, but again we are trying to provide
2 you the best, most balanced information that we can
3 provide. We also have to work within some parameters
4 so that there is not an expectation that we're just
5 having to spend weeks and weeks. Already we're looking
6 this week at having to put the announcement out for the
7 next Commission meeting about what you want on agenda
8 items. So we just also have to work with some
9 realistic expectations, as well.

10 COMMISSIONER VAN VELSOR: In addition to meeting
11 the requirements of Bagley-Keene, and it does say that
12 enough information needs to be provided for the public
13 to know that it may be acted on. So what does that
14 mean. It doesn't go into details, so what is enough
15 information.

16 But, secondly, I think more importantly for me,
17 when an item comes up, I don't have enough information
18 myself to make a decision all the time. So it's
19 critical for me to hear some of the different
20 perspectives on a particular issue. And so if we don't
21 have the public, if we don't have people there that
22 know what's happening, I don't feel that I would have
23 the ability to make a decision. So I think it's
24 critical that anything we're going to make a decision
25 on, we have the people here that can get us the

1 information to help us make that decision. So that's
2 really an important piece of this for me.

3 CHAIR WILLARD: Commissioners, other comments?
4 So the motion basically is just for the Chair to come
5 up with some language that would amend our policies and
6 procedures. So all I need is direction from you to
7 tell me to do that, and then we will have another crack
8 at this in much more detail at the next meeting, and I
9 can show you some exact verbiage, and I'll probably be
10 working with Deputy Director and Counsel on this in the
11 meantime to craft something. We're trying to balance
12 two objectives here. We want to serve the public, make
13 sure they're fully aware of what we're doing,
14 information for Commission. And at the same time we
15 want to be able to react quickly to situations. So
16 that's going to be the balancing act, that I'm going to
17 have to try to come up with something that gets close
18 to accomplishing both. We're probably not going to be
19 able to have a situation where we can act on everything
20 that comes up at the last minute. That's probably not
21 in the cards. It never was.

22 COMMISSIONER SLAVIK: Doesn't Bagley-Keene
23 restrict all of us from putting input into you for the
24 agenda items?

25 COUNSEL LA FRANCHI: If I can respond to that,

1 no, not necessarily. The Division acts as staff. The
2 way we set it up is each of you can input your
3 suggestion for agenda items to the Division staff, and
4 they can accumulate that and communicate it on to the
5 Chair as the agenda is put together. There are two
6 ways to handle it. That's certainly on an ongoing
7 basis if there are items. But in terms of coming up
8 with routine items that you would like to see tracked
9 on a more regular basis that you see are long-term
10 trends that you want to follow, for example, that could
11 be done kind of in a workshop situation or something
12 where that would just routinely go on the agenda and
13 that would be an additional effort to strategize the
14 agenda, as well.

15 CHAIR WILLARD: Call for the vote.

16 (Commissioners simultaneously voted.)

17 CHAIR WILLARD: The motion was approved, and I
18 will be bringing back some language to discuss it at
19 the next meeting.

20 So another item under this agenda item would be
21 the time limits for public speaking. Currently it's
22 two minutes for individuals and four minutes for
23 organizations. I think another component of this is
24 the timing of public comment, and I've given this a
25 little bit of thought, and I think I'm leaning towards

1 making a change on how we do it. And I guess,
2 Commissioner Van Velsor, this goes to your wanting to
3 get different perspectives.

4 So I think it might be beneficial that any time
5 we have a motion, we can discuss it; so motion, second.
6 Maybe what we do is we take public comment on the
7 motion, so we can get that perspective, then we can
8 talk about it, and then we can have a vote. As opposed
9 to in the past we've typically discussed an item, had
10 public comment, then we've discussed it, and we've had
11 maybe motions without benefit of public comment
12 specific to what we may want to take action on. And I
13 think it's probably far better for us to be making more
14 informed decisions to get that public input. Any
15 comments from staff? Do you have any input on that?

16 DEPT. DIRECTOR GREENE: I think that's typically
17 the way, however the Chair wants to conduct the
18 meeting. I don't know that you need a vote on that.

19 CHAIR WILLARD: I will probably also be bringing
20 language back to that effect for next meeting, as well.

21 COUNSEL LA FRANCHI: What precipitated this was
22 a request from some members of the public to address
23 the time limits for public comment, and you might want
24 to take public comment today. Some members of the
25 publicly may have expected to have input to that

1 discussion today.

2 CHAIR WILLARD: We will definitely be taking
3 public comment at the end of this business item like we
4 normally do. And maybe we should do that before we
5 make any other decisions.

6 COUNSEL LA FRANCHI: I think from the staff's
7 perspective, the history of the format to that rule,
8 when the Commissioners' role were a little different,
9 organizations would come in, would kind of assimilate a
10 wide range of comments from their membership, and the
11 individual selected by the organization to represent
12 the membership would present those comments. So the
13 logic of having more time for an organization was that
14 would give them a better opportunity to represent more
15 of their membership and the wide range of comments that
16 might come up, as opposed to an individual who would
17 come up representing only their own comment. So you
18 might have one individual from an organization
19 representing 100 members, for example, in their
20 comments, as opposed to ten members of the public each
21 one representing their own individual comment instead
22 of accumulating those comments into an organized
23 presentation. So that was the logic, the conventional
24 wisdom behind giving organizations more time to make a
25 presentation as opposed to a short amount of time for

1 members.

2 I don't think anybody here was really involved,
3 except maybe Gary and Mark, during the grant program,
4 but it was particularly evident there where you had a
5 number of the members of the public making comments and
6 time would just start stacking up. Now maybe that
7 environment has changed. Commission maybe is operating
8 a little differently on a little different basis. And
9 I've noticed lately that organizations and individuals,
10 the times they're spending are not much different. So
11 the environment may have changed. It may be
12 appropriate to revisit those time allocations and
13 whether you want to continue past practice, or set it
14 for three minutes, or everybody gets two minutes.
15 There's a number of options. That's the background on
16 that issue.

17 CHAIR WILLARD: I guess I don't really have any
18 real firm ideas on what the time limits should be. I
19 just know that as the one that looks at that clock and
20 tries to keep the agenda moving and get all of our
21 business done, that we do need to have time limits
22 because there are some speakers that tend to go on, and
23 there are a certain percentage that at every meeting go
24 beyond the time allocated. The red light goes on, I'm
25 kind of pointing at my wrist watch here, come on let's

1 go.

2 So I think we do need time limits, two minutes,
3 four minutes, three minutes. I think I'm comfortable
4 with the way we've been doing it. I can see, though,
5 maybe amending that slightly in that if there was an
6 individual that had a specific topic that they felt
7 they were going to need more than two minutes for, they
8 could submit a written request to the Chair before the
9 meeting began, and then the Chair could simply make a
10 decision if they're going to allow that speaker to go
11 to four minutes. I could see perhaps that this might
12 come up if, for instance, there is a landowner next to
13 some OHV use, and they want to make a presentation as
14 to what's going on in that particular location and it's
15 going to take more than two minutes for them to do
16 that. As Chair I think I would want to give that party
17 more than two minutes to present that topic. And so I
18 think that might be some way of modifying it.

19 But I'm going to open it up to my fellow
20 Commissioners on this, and anyone else chime in.

21 COMMISSIONER FRANKLIN: I think it's important
22 that we hear from the public. I think it's important
23 we give them time to state their case, their cause,
24 their concerns, their expectations. But at the same
25 time balance that with the time that the public puts in

1 here. They all have a time crunch, the time we have
2 the facilities available. So, like you said, it is a
3 balancing act. We have to find a happy place.

4 I've noticed over the last couple of meetings,
5 if somebody had gone over time, which doesn't happen
6 all that often, whether they are a group speaker or
7 public speaker, we've always given an adequate courtesy
8 to run over. We let them conclude their thoughts and
9 their concerns. We don't really seem to shut them off.
10 If we were to change it for an equal amount of time or
11 a modified three minutes, whatever the pleasure of the
12 group is, because of the time constraints maybe modify
13 our courtesy overlap there, and whoever is in charge of
14 the microphone there might need to hit the mute button
15 if we decide to change the time parameters to help
16 control that some. Those are my thoughts.

17 COMMISSIONER SILVERBERG: I actually agree with
18 you, Gary, the idea of just maybe having it as a
19 special circumstance that can be requested and then
20 approved by the Chair and just leaving the time limits
21 as is and getting this conversation over.

22 COMMISSIONER LUEDER: I agree.

23 COMMISSIONER SLAVIK: I agree with that.

24 COMMISSIONER VAN VELSOR: I would offer, some of
25 the other boards and commissions within state

1 government, a few of them, for example, the California
2 Resources Board, does not distinguish between
3 individuals and organizations. Some hearings I've
4 attended with the Natural Resources Agency, they also
5 don't distinguish between individuals and
6 organizations. And I don't know that we need to
7 either. I don't see the need for that at this point
8 because it doesn't appear that there's a big
9 difference. And so I guess I would lean towards making
10 it the same and making it maybe three minutes instead
11 of two or four.

12 CHAIR WILLARD: I agree with that, too. I think
13 three minutes might be a good compromise. Maybe we can
14 add in that special circumstances clause, that if
15 someone has something that they think is important and
16 going to take more than three minutes, they can give a
17 written request to the Chair, and the Chair can make
18 the decision whether they want to allow that particular
19 individual four minutes or five minutes if it seems
20 appropriate.

21 COMMISSIONER SLAVIK: That request should have
22 an estimated time.

23 CHAIR WILLARD: Absolutely. Let's take public
24 comment.

25 DAVE PICKETT: Dave Pickett, District 36. I

1 like the conversation and direction that you're going
2 here, but I have to ask that our history be put into
3 place so there is protectionism. In the past, prior to
4 any of you sitting up there, there was a tremendous
5 amount of abuse towards the public by past chairmen,
6 and we need to get that out. And if the chairman did
7 not happen to like the speaker, it didn't matter how
8 important it was, it was just boom. But if he liked
9 what the speaker was saying, then he made the decision,
10 and I've seen rambling going on for 10 to 12 minutes.
11 So it's kind of the chair's decision on the topic if
12 you can decipher where the speaker is within the
13 framework of the point they're trying to make. And
14 that would basically be my comment. Just take it on a
15 case-by-case basis. Leave the numbers where they are,
16 it works for me. If I can't get it said in 120
17 seconds, so be it. If you want to know more, you'll
18 ask the questions.

19 JOHN STEWART: John Stewart, California 4-Wheel
20 Drive Clubs. I am in favor of the historical process
21 of the two minutes for individuals and four minutes for
22 organizations. I understand what Commissioner Van
23 Velsor said, some others have dropped to a singular
24 deal. But there are also a large number of county
25 governments and other places that still allow or still

1 adhere to a split time frame. So I think it is
2 important for organizations which do have a much larger
3 representation and a larger field of ideas to draw from
4 to present, that I believe they should be given the
5 benefit of the doubt and be given a little bit of extra
6 time in order to get the thoughts and concerns of their
7 membership across. Thank you.

8 TOM TAMMONE: You hold a meeting and I'm pretty
9 clear it states that commissions can decide the length
10 of time to speak, an individual. It doesn't give any
11 specifications for any individuals getting any special
12 privileges for any reasons. It is the same length of
13 time, period. I will enforce this in court if I need
14 to, and it will be done on a criminal level. Thank
15 you.

16 ED WALDHEIM: Ed Waldheim. The four minutes,
17 two minutes, that sounds good. The organizations
18 invest an incredible amount of time keeping up access
19 to public lands. And so for the most part, they have
20 more to say or more to cover. That would be on the
21 public comment period, the eleven o'clock period. I am
22 wrestling with my particular case since we are so
23 intimately involved with partnerships with the agencies
24 both in the Forest Service and in the BLM. There's
25 times that there are things that I can bring to the

1 table personally that the agencies do not bring to the
2 table, not because they don't know about it -- or maybe
3 sometimes they don't. Jim doesn't know everything
4 that's happening on the ground. I personally work very
5 closely on the ground, and I love sharing with you,
6 what your OHV grant dollars are getting you on the
7 ground, and I can bring that to you pretty quickly.
8 And I've been wrestling if I do that during the public
9 comment period, so I'm using up my time for issues that
10 are not on the agenda. When the Deputy Director makes
11 a report or BLM or Forest Service makes a report, you
12 ask for public comment, so I can use that portion of it
13 to do it. I've ask the DAC, Mr. Borchard from the DAC
14 to give us a courtesy about the same thing in there.
15 Because after the agencies make their report, I'm
16 sitting on pins and needles because there is so much
17 more I can bring to the table to inform the DAC members
18 of what's really going on out in the field. I think
19 we're solving that problem as far as the DAC is
20 concerned. So if we could continue doing it the way
21 you did this morning and just keep the time to two or
22 four, I think that is plenty of time to do that.

23 JIM WOODS: My name is Jim Woods. I'm from
24 CORVA, California Off-Road Vehicle Association. Your
25 two-minute, four-minute format is fine. If I may make

1 a suggestion, if somebody turns in a comment card and
2 puts on there some qualification of why they need more
3 time, you, as the chair, could decide that yes or no.
4 It would be straight forward and simple. There are a
5 lot of people like Ed that are very knowledgeable on
6 this, and his input is invaluable for you and all of us
7 to make proper decisions. But if we don't keep the
8 time down on the comments, we don't know how long these
9 meetings are going to go on. Thank you.

10 CHAIR WILLARD: No one else has any other public
11 comment. I did receive a note, though, that there was
12 a very good point, something that I had thought of and
13 had forgotten, and that is that we should probably try
14 to do a better job of utilizing our website. And, in
15 fact, can we take public comment over the website, and
16 then if we get public comment within the period between
17 when the agenda is posted and the meeting, can we have
18 a special section where those comments can then be
19 entered into the record officially?

20 COUNSEL LA FRANCHI: Yes, absolutely. On any
21 agenda item, any member of the public can submit
22 written comments, indicate they can't attend the
23 meeting, and then those letters or it could be e-mail,
24 website input, Tweet, whatever you want to do, and that
25 would then get attached as an exhibit to the minutes

1 for that meeting.

2 CHAIR WILLARD: Do we have a mechanism in place
3 right now, a user-friendly one where the public can do
4 that?

5 DEPT. DIRECTOR GREENE: Certainly through the
6 OHV Commission website they can enter comments. At
7 that point in time, we collect those comments and have
8 those comments to you in your binders ahead of time.
9 If they arrive before the 10-day period, then we could
10 have them as we always do, right there on the list.

11 CHAIR WILLARD: The way I understand the way the
12 website works there now, anyone has the ability to give
13 comments at any particular time, and then sometimes we
14 get those.

15 But I'm suggesting perhaps that maybe we might
16 want to have an additional or separate section that
17 would be public comment for the meeting of the day so
18 that the public knows, I go here, and here is where I
19 put my comments for this business item for this meeting
20 that can be officially entered into the record.

21 DEPT. DIRECTOR GREENE: We can certainly do
22 that.

23 CHAIR WILLARD: I think that would be good.

24 Commissioners, any other thoughts or comments on
25 this? Does anyone want to make a motion?

1 COMMISSIONER LUEDER: I'll make a motion that we
2 continue with the same two-minute, four-minute rule,
3 with the exception that an individual can submit a
4 request on their public comment card for additional
5 time if necessary at the Chairman's discretion.

6 CHAIR WILLARD: Is there a second?

7 COMMISSIONER SILVERBERG: Second.

8 CHAIR WILLARD: Commissioner Silverberg
9 seconded. Tim, how do we do this? Can there be a
10 competing motion? If someone wants to make a motion
11 for say three minutes, how do you do that? Because I
12 don't want to have a motion and then we vote on it.

13 COUNSEL LA FRANCHI: That would normally be done
14 as an amendment. So there would be a motion to amend
15 the pending motion.

16 CHAIR WILLARD: And then we can have either/or?

17 COUNSEL LA FRANCHI: No, then you vote on the
18 amending motion. And if that fails, then you go back
19 and vote on the original motion.

20 CHAIR WILLARD: Does anyone want to champion a
21 different methodology, and if you do, you need to make
22 an amended motion.

23 COMMISSIONER VAN VELSOR: Actually, in hearing
24 what Dave Pickett had to say, it does enter into a
25 certain amount of subjectivity if it's up to you to

1 decide how much time that you'll get. So I guess I
2 would offer an amendment that it's two minutes for
3 individuals, it's four minutes for organizations, no
4 special considerations outside of that.

5 CHAIR WILLARD: That's different from the motion
6 before that in that you're taking out the ability for
7 someone to give a written request?

8 COMMISSIONER VAN VELSOR: Correct, because of
9 the subjectivities that can enter into that situation.

10 CHAIR WILLARD: So that's an amended motion. We
11 have to have a second. Is there a second?

12 COMMISSIONER LUEDER: I'll second that.

13 CHAIR WILLARD: Discussion. I don't know if I
14 want to be making those types of subjective calls on
15 the fly when the speaker is speaking. That's why I
16 suggested that the request be made before the meeting
17 so that I can look at it, think about it, consider it,
18 then make a decision, as opposed to someone comes up
19 and starts talking and they've got their light set at
20 two minutes, and I have to decide then. And from being
21 in my position trying to run it and watch it, I think
22 that that's asking a lot of the chair. I don't want to
23 have that subjective power, and I know that the chairs
24 in the past have done that where they've allowed people
25 to run on and on just because they liked what they were

1 saying. I'm trying not to do it that way. I'm trying
2 to be impartial to every speaker. Even if I don't like
3 what they're saying, they're going to get their time.
4 If I like what they're saying, they still get their
5 time, and that's it. So that's the way I've been
6 trying to conduct these meetings and not play any
7 favoritism one way or the other. And I think it's a
8 mistake to go back to having the chair have more
9 subjectivity because we're setting policies that are
10 going to be here for the next chair and the chair
11 after, and I would hate to go back to that old format
12 of the chair just letting those that they like go on
13 and on. I think that's a bad way to run a meeting.

14 COMMISSIONER VAN VELSOR: But then how do you
15 determine when you give someone extra time? What do
16 you base that determination on?

17 CHAIR WILLARD: Well, again, ultimately it is
18 subjectivity applied by the chair. It's just that I
19 would like to have the benefit of doing that in a
20 thoughtful manner and having the request made in
21 writing beforehand. I'd like to see the party go to
22 the trouble to submit it in writing, have a rationale
23 as to why. They should not just say, hey, I need more
24 time. That's not going to fly. I need more time
25 because this has happened, and I need to explain this,

1 and I won't be able to do it in two minutes so
2 therefore I'm going to need more time. That's just one
3 way I think that I can deal with it as the chair.
4 Another chair may have a different approach.

5 COMMISSIONER SLAVIK: The mechanism we have now
6 seems to work. If somebody needed more time, they
7 should apply for the agenda item. If it was a
8 homeowner, like your example, we had that homeowner
9 from Carnegie, and he had quite a presentation to make,
10 he could make that presentation. He's not being
11 eliminated from it.

12 CHAIR WILLARD: But he's not guaranteed that he
13 will be able to get his issue on the agenda either.

14 DEPT. DIRECTOR GREENE: The chair has some
15 latitude. I think two minutes or four minutes has
16 worked. I think that if you're asking the public to
17 start writing you dissertations, I think that might
18 become problematic for you as the chair. And I think
19 that the chair does have discretion during meeting time
20 to allow somebody to go over a little bit within
21 reason, and that's the purview of the chair. And so I
22 think Commissioner Van Velsor has a good point. You
23 have something that already exists. Why complicate
24 your life even more?

25 COUNSEL LA FRANCHI: I might just mention, I

1 think the subjectivity, as long as that additional time
2 is discussed amongst the Commission and the reasons are
3 put forth, then you at least air the reasons for which
4 the additional time would be granted so that it's not
5 just the chair making that decision without discussion
6 and at least having to explain him or herself. Other
7 commissions where I know that goes on, the Coastal
8 Commission, the chair has the responsibility to grant
9 extra time and here are the reasons why. And are there
10 any objections, and usually they do it by unanimous
11 kind of unless there is an objection. The chair is
12 required to explain his or her reasons, and so there is
13 an airing of it in public. It's not just a subjective
14 decision with no discussion.

15 CHAIR WILLARD: So in order for that to happen,
16 someone would have to come up to the chair beforehand.

17 DEPT. DIRECTOR GREENE: You did it when you had
18 the homeowner adjacent to Carnegie. At that meeting
19 you looked around at the other Commissioners and you
20 said, would you like him to have more time, are there
21 any objections, no, and all of you collectively wanted
22 to hear more. So you have that latitude.

23 CHAIR WILLARD: Getting back to the motion at
24 hand, I think the amended motion basically is just to
25 stay status quo.

1 Call for the vote. All those in favor.

2 (Commissioners simultaneously voted.)

3 CHAIR WILLARD: Motion is approved.

4 COUNSEL LA FRANCHI: So the amendment passed,
5 and so it's two and two.

6 CHAIR WILLARD: Two and four, status quo.

7 COUNSEL LA FRANCHI: I thought Commissioner van
8 Velsor's motion -- I want to make sure the record is
9 clear.

10 CHAIR WILLARD: Status quo. Basically the
11 motion was to keep it the way it is with the
12 understanding that the chair has subjective latitude to
13 allow more time if need be, and I think your point is
14 well taken that we should probably talk amongst
15 ourselves if we want to do that.

16 We are finished with this business item, I take
17 it. I'll be bringing back some additional things to
18 think about.

19 (Meeting reconvened after a 14-minute break.)

20 CHAIR WILLARD: We've got a little bit of a
21 dilemma here. We still have one business item to deal
22 with that is important that we deal with it at this
23 particular meeting and not put it off, and then we have
24 a workshop, and obviously we goofed, and we apologize.
25 We miscalculated how much time it was going to take us

1 to get through the agenda, and we sincerely apologize.

2 I'd like to hear from the public on what we
3 should do. We were debating on how to deal with this,
4 and we thought let's just hear from the public. I
5 think our preference, and it's just a preference, would
6 be to postpone the workshop until the next meeting so
7 that we could give it its due as far as time and input
8 and attendance. Commissioner Silverberg and myself
9 have to leave at 5:15. We've got the last flight, and
10 we need to be on that flight.

11 So is there anyone in the audience, and you can
12 just stand up, raise your hand, that would have a major
13 issue with moving the workshop? Because what we could
14 do is we could have an abbreviated workshop now, and
15 maybe then continue the workshop if there was someone
16 that really wanted to have their say that came from
17 Southern California down here and really needs to be
18 here. So, again, we would like to postpone the
19 workshop, but I'd like to hear from anyone in the
20 public that is going to have a major issue with that.
21 So if there is, someone please raise your hand.

22 JOHN STEWART: John Stewart, California
23 Association of 4-Wheel Drive Clubs. It's kind of a
24 conundrum sitting here and standing here trying to
25 figure out postpone the workshop or not. Part of me

1 says not a problem, postpone it and get on with this
2 last business agenda. But then I would have to say
3 here we are in the south with some specific issues. We
4 have the San Bernardino volunteers and some others here
5 that have unique issues that they would bring a certain
6 perspective to a workshop. And yet if the workshop
7 were held over to the next meeting, the next meeting
8 would be in another area of the state where they would
9 not necessarily be able to attend. So from that
10 respect, you would lose input from a certain area with
11 a certain geographic location where you're at right
12 now.

13 CHAIR WILLARD: That's why I ask the question
14 because I'm not 100 percent sure that there are people
15 in the audience that fit that category. And that's
16 what I want to find out, if there are.

17 DICK HOLIDAY: My name is Dick Holiday. I would
18 suggest that you move the workshop until another
19 meeting so that you have enough time to do it
20 correctly. And I would suggest that you schedule
21 another meeting down here and have that workshop as
22 part of that. That way you have the workshop from both
23 south and north and gives the opportunity for the
24 visitors to be able to participate and not have to
25 travel.

1 CHAIR WILLARD: That's a great idea. Anyone
2 else want to help us with our dilemma, conundrum?

3 TOM TAMMONE: Well, it looks like most of the
4 people have left. Tom Tammone. It looks like most of
5 the people have left already. We went over time. We
6 need to plan things a little better.

7 But as far as the agenda items, as far as your
8 decision, I disagree with it, but I'll respect it, and
9 I'll simply just be represented as an organization from
10 now on. I will say shame on CORVA, shame on CTUC.

11 CHAIR WILLARD: Mr. Tammone, we're speaking
12 right now to the issue of whether or not we should deal
13 with the workshop. We're really limited on time, so I
14 didn't give an open mike to the public to chime in on
15 other things. So if you've got a comment on what to do
16 specifically with our dilemma on the workshop, please
17 let us know; otherwise, if you could please sit down
18 because we do have limited time, and I have a lot that
19 we're trying to accomplish.

20 TOM TAMMONE: I understand. Like I said, in the
21 future, could you guys please just reschedule your
22 flights. Book your time on airlines that don't charge
23 you to reschedule your flights or just schedule it
24 better. It took us a lot of time to get these agenda
25 items on the table. I've got 3,000 miles documented.

1 You figure that out how to reimburse it. Maybe I'll
2 just pursue it in Small Claims court. This is
3 ridiculous. Costs us a lot. You're not giving us our
4 input. I almost get the feeling you're doing this
5 intentionally, like you're living in some interim
6 period.

7 CHAIR WILLARD: Thank you. I think we've heard
8 enough.

9 TOM TAMMONE: Thank you. No, you haven't heard
10 enough. Is my time limited?

11 CHAIR WILLARD: Thank you, Mr. Tammone.
12 There is someone else who would like to speak.
13 Can you please give up the mike to someone else?

14 TOM TAMMONE: Is my time up?

15 CHAIR WILLARD: There is no time. We're not
16 having time. The clock has not been on. It's at my
17 discretion, and I've heard what your comments are, and
18 I think we're done with your comments.

19 TOM TAMMONE: Okay. Well, guys --

20 CHAIR WILLARD: I don't want to --

21 TOM TAMMONE: You're costing us money.

22 CHAIR WILLARD: You're taking our valuable time.
23 And other people in this room --

24 TOM TAMMONE: If you can't listen to the public,
25 resign. Thank you.

1 CHAIR WILLARD: Please.

2 I'm sorry. The next speaker, do you have
3 something specific to whether or not we should continue
4 the workshop? Please state your name.

5 PAM NELSON: Pam Nelson, Orange Creek. I think
6 we should postpone the workshop. I enjoyed the
7 strategic plan workshops that we had, and I don't know
8 if there is a way to have minimal staff to come to some
9 local sites, specifically closer to where people can
10 get to within an hour or two of driving, and then have
11 that input to one big workshop. I'm trying to think of
12 how to get everybody's ideas with small venues. When
13 we have roundtables, it's much easier to come up with
14 ideas and work together.

15 DEPT. DIRECTOR GREENE: Also, if it were
16 possible for the public just as they're commenting on
17 this, if there is another time, do they appreciate it
18 on a weekend, do they appreciate it in the evening? It
19 is helpful for us to just have some better idea.

20 CHAIR WILLARD: I would ask that maybe instead
21 of trying to go through that now, they e-mail or use
22 the website to communicate preferences to time. That
23 really is helpful, by the way. So we've been trying to
24 decide is it a weekend, middle of the week, or Friday.
25 So we would like to hear from you.

1 BILL GUINARD: Bill Guinard. I understand the
2 problem with the time delays. Would it be possible to
3 do videoconferencing on this workshop or this type of
4 activity? We would love to see what's going on in the
5 other areas of the state as you move around. That
6 would help us quite a bit.

7 CHAIR WILLARD: I think it makes sense for us to
8 postpone. Do I need to do a motion and go through
9 that? So let's just postpone the workshop until the
10 next meeting, and I think it's a great idea that the
11 next time we are in Southern California, we also pick
12 up with the workshop. And, again, I apologize. This
13 is the first time I think this has happened where we've
14 just simply run out of time. We misjudged how much
15 time it was going to take to get through the other
16 items. So thank you for being understanding, and we
17 will endeavor to not have this happen again because we
18 definitely understand how valuable your time is, as
19 well.

20 **AGENDA ITEM V(B). Status of OHV Program 2011 Report**

21 CHAIR WILLARD: If we could please move on to
22 Item B. Deputy Director, can you give us an overview
23 of this business item?

24 DEPT. DIRECTOR GREENE: I would like to
25 introduce Connie Latham, the staff person who is

1 overseeing the work on behalf of the Commission, and
2 this is the 2011 Report. It's one of the duties and
3 responsibilities outlined in the the statutes of the
4 Commission. So Connie is going to brief you on that,
5 as well, and give you an overview.

6 OHV STAFF LATHAM: Thank you, Deputy Director
7 Greene. Connie Latham with OHV Division. Good
8 afternoon, Commissioners, it's a pleasure to be here
9 today to give you an update on the 2011 program report.

10 In the back of your binders, you'll find the
11 2011 Report briefing summary, the draft outline, and
12 the reporting agreements that are outlined in the
13 Public Resources Code 5090.24 (h), which is also shown
14 up here on the screen. I will say this is my only
15 Power Point slide.

16 What I'd like to do is give you a little
17 background on how we've been actually managing putting
18 together this report, what we've been working on at the
19 Division at headquarters as well as in the field.
20 We've assembled what I call the core project team. And
21 this team is comprised of various specialists within
22 the Division, environmental scientists, visitor
23 services, grants, planning, maintenance, outreach,
24 fiscal administration, archeological. We met back in
25 June to do a brainstorming session on how are we going

1 to chunk down this large endeavor of creating this
2 report. We went over the content of the statute to
3 make sure that we do meet all of the requirements. We
4 put together a very preliminary outline at that point.
5 It is still a work in progress.

6 We have the draft outline in front of you. We
7 went over the timeline of the completion of this
8 report, which I'll address a little bit more in a
9 minute. We also discussed what period of time this
10 report would address, and what we came up with is from
11 2004 to present because that would cover the current
12 administration. In the 1990s, you might recall there
13 were similar reports. They were called biennial
14 reports. They were due every couple of years. The
15 last program report that was done was in 2000, "Taking
16 the High Road."

17 So after the core team met and did brainstorming
18 on how we are going to chunk this down, as I call it,
19 then we started meeting with what I call the satellite
20 groups. We met with all of the SVRAs via
21 videoconferencing. We went over what the program
22 report requirements were, so solicited input from the
23 SVRAs, again from the environmental scientists, their
24 planners, their visitor services staff to help us come
25 up with the best possible approach to this report,

1 because it is huge.

2 My goal as a coordinator of this report is to
3 ensure it is very objective and very transparent and
4 highlight not only accomplishments of the Division, but
5 some of the learning points we've had along the way and
6 how we adapted because of this. After meeting with the
7 SVRAs, we met with another group, the federal
8 recipients of the grants, the BLM and the U.S. Forest
9 Service. We met with OHV coordinator Jim Keeler,
10 Kathy Mick with the Forest Service, as well as their
11 regional and statewide biologists, again going over the
12 report requirements, kind of brainstorming of how best
13 they can help us put this report together, being such
14 huge land management agencies, receiving a lot of grant
15 funding for which this report is to address.

16 So since then, the core project team, as I call
17 them, have diligently been working with the SVRAs, with
18 our federal partners. We've been meeting routinely.
19 Lots of follow up, lots of preliminary incipient work
20 has been going on here just to kind of get our ducks in
21 a row.

22 To the schedule here, although the report is not
23 due to the Governor's Office and the various
24 legislative committees until January 1st, 2011, as
25 stated in the Public Resources Code here, it must be

1 adopted by yourselves, the Commission, after two public
2 meetings and approved by the administration prior to
3 that release date. So to meet those important
4 requirements, the project team has established a
5 timeline.

6 Discussion or review at two Commission meetings
7 we feel should take place during the second and third
8 quarter meetings of the 2010. This would be during the
9 April or May meeting and the July or August meeting
10 next year based on your schedule. And then following
11 the approval by yourselves of that report, it then will
12 have to go through department review, resource agency
13 review, and the Governor's Office review, similar to
14 what the strategic plan is going through now. That
15 review in and of itself can take four plus months. My
16 way of thinking was starting in January 2011 and
17 working the timeline backwards. So basically I will
18 have to have this draft report to our leadership review
19 sometime after the first of the year, my goal is in
20 January, to meet the rest of the deadlines.

21 So moving on, in the binders is the proposed
22 draft outline. Again, the outline was derived from the
23 statute requirements, as well as what we felt was a
24 manageable approach to the report process. I guess at
25 this point, I know we're short on time, I'm happy to

1 entertain some questions or comments that you may have
2 on any aspect of the development of this report, the
3 content of the report, and so forth.

4 COMMISSIONER SLAVIK: Do you envision this
5 report to look something like the previous report with
6 a lot of colored pictures and stuff like that?

7 OHV STAFF LATHAM: No, sir. This report is kind
8 of unique in and of itself. I don't have anything to
9 boilerplate off of. It's very specific what's
10 required. I kind of see that as seven elements.
11 You've got the six specific questions, but the last
12 sentence in the paragraph is, "The report will address
13 the status of the program and off-highway motor vehicle
14 recreation." That's huge. How far do you go with
15 that? So I'm looking at this in a couple of ways.

16 There's going to be data. There's going to be
17 charts. There's going to be pictures of restoration,
18 of the condition of the resources, but then we are
19 going to have summary reports to back that up. I don't
20 think anyone would want to read a report that's all
21 numbers. Then again, I don't think anyone wants to
22 read a novel. So I think we will definitely have a
23 balance to make it very objective.

24 CHAIR WILLARD: My comment is that, first of
25 all, this is the first time we've done this report.

1 It's never been done before. It's a brand new
2 requirement, and so we are just now creating the
3 template to do it, and every three years it will have
4 to be done. Now, it's important to make the
5 distinction that this is a report from the Commission,
6 not from Division. It's our report that goes to the
7 Governor, the Assembly, Park and Wildlife, et cetera.
8 So it really is our report, and and Division is simply
9 acting in the capacity as staff to the Commission in
10 preparing this report. Otherwise, I could start giving
11 out parts of this to you guys and start working on it.

12 So thank you for the effort you're undertaking.
13 It's a huge effort. I just want to make sure that the
14 Commission has an adequate time to study the draft over
15 several weeks' period to contemplate, maybe even some
16 phone calls to ask questions if need be, before we
17 actually have a hearing where we officially discuss a
18 draft. So is that in your plans?

19 OHV STAFF LATHAM: Absolutely, we want your
20 feedback. As you said, this is your report. We're
21 working as staff to you to present this report and to
22 gather the data for you. So if there is an element in
23 here that you don't see that you would like in the
24 outline, be more than happy to address those types of
25 issues.

1 CHAIR WILLARD: Commissioners, any questions?

2 COMMISSIONER SLAVIK: So in that summary, all
3 those six questions have to be answered in the report,
4 and then beyond that it's opened to our format; it is
5 our choice?

6 OHV STAFF LATHAM: That is correct.

7 DEPT. DIRECTOR GREENE: Commissioner Slavik, I
8 think the last sentence of that first paragraph, "The
9 report shall address the status of the program,
10 including all of the following," so those six need to
11 be included, but it needs to be a whole status report
12 on the entire program. So the essence of the outline
13 is to try to highlight all aspects of the status of the
14 entire program, making sure that we pay special
15 attention to those items that are listed.

16 OHV STAFF LATHAM: If I may, if you look at the
17 outline and you go down, for example, in the first page
18 under planning, it will say strategic plan, which is
19 question number one there, the results of the strategic
20 planning process completed pursuant to subsection 1 of
21 Section 5090.32. And I have noted on the side there
22 specifically that this is an item that needs to be
23 specifically addressed. The other items in the outline
24 would fall more underneath the status of the overall
25 program. It's pretty apparent that what is being asked

1 here is how the Division's funds have been used in the
2 Division as well as with the grant recipients. So that
3 will be, of course, addressed very specifically.

4 COMMISSIONER VAN VELSOR: I see this could be a
5 quite comprehensive and significant undertaking. I see
6 it not only as a report of what the Division has done
7 over the last four or five years, but also an
8 opportunity for the Division to really look at how
9 things have worked and use it as a tool to modify,
10 evaluate, and improve on some of the program
11 activities.

12 And from the standpoint of some of the
13 requirements, I'm curious how those are going to be
14 measured for the report. So, for example, the second
15 one, condition of natural and cultural resources, how
16 do you measure condition? How does the BLM measure
17 condition compared to the Forest Service and so forth?
18 How are you going to try to get at those types of
19 things, or are you intending on going into that type of
20 detail? There is a big question for me as to what
21 level of detail you intend on going into, and I guess
22 the more detail you go into, the more the Division will
23 benefit from the standpoint of what has exactly
24 happened on the ground, and how can you respond to some
25 of the things that you may or may not see as some of

1 the goals that you established for the programs and the
2 projects.

3 OHV STAFF LATHAM: Absolutely. We have asked,
4 for example, the BLM and the Forest Service to give us
5 extreme detail. For example, under condition of
6 resources, both the cultural and the natural, natural
7 being your air, water, habitat, threatened or
8 endangered species, sensitive wildlife and plant
9 species, nonnative invasive species, we've asked them
10 to talk about their bio regions, their conflicts that
11 they're still addressing since '04. Some of those
12 might be for, again, endangered species, meadows,
13 vernal pools, some of their water issues, creek
14 crossings, and how has that changed. There's new
15 technology in creek crossings now. How have things
16 evolved to resolve these conflicts. We've asked these
17 specific questions of them to get that in the summary
18 report. So, yes, condensed to that level of detail.
19 Like you're asking, I would rather have too much detail
20 than not enough.

21 DEPT. DIRECTOR GREENE: At the same time, if I
22 may, Commissioners, keeping in mind this is your
23 report, and so we would look to you for some of that
24 guidance. This is sort of the approach that we have
25 been taking. But if you think, Commissioner Van

1 Velsor, that there are other measurable ways that we
2 should be looking at something, or if you have ideas to
3 which you or any of the other Commissioners would
4 suggest that we look at these, we certainly want your
5 input. As Chair Willard said, it is after all your
6 report. This is the approach that Connie and the team
7 are taking. We just want to make sure that we get that
8 input from you as to how we're to look at this.

9 CHAIR WILLARD: I think it might be a good idea
10 to have this as a standing item under the Deputy
11 Director's report just to give us an update on the
12 status of it, and that will give us an opportunity to
13 chime in if we come up with any ideas as we go forward
14 through this process.

15 And I just want to get clear on the schedule,
16 I'm reading here that we're going to have two
17 Commission hearings to review, April or May 2010 and
18 July or August 2010. So we would be seeing a draft
19 sometime say March of next year; is that your goal?

20 OHV STAFF LATHAM: Yes, sir, this spring,
21 actually.

22 CHAIR WILLARD: So some period of time before
23 that spring meeting, so, again, we have time to look at
24 it, digest it, so that we can come to meetings and have
25 prepared comments and questions.

1 OHV STAFF LATHAM: Actually, my goal is to have
2 it ready for the leadership in January.

3 COMMISSIONER SLAVIK: What is the mechanism,
4 Connie, that we are going to be using to effect our
5 input here to you?

6 OHV STAFF LATHAM: That's a very good question.
7 I would imagine this forum if it is a standing item on
8 the Deputy Director's report.

9 COMMISSIONER SLAVIK: I'm thinking something
10 more immediate, like maybe a secure website that we
11 could go to that we can look at the draft and put
12 comments in, some mechanism like that, PDF file.

13 OHV STAFF LATHAM: I going to defer that to the
14 Deputy Director.

15 DEPT. DIRECTOR GREENE: So as you said that, I
16 was thinking about that and thinking about how that
17 works with the public. So those are things I'm
18 thinking about. You're absolutely right, it is your
19 draft, and that's what we're looking to achieve, so is
20 Commissioner Willard. I think the statute says two or
21 more meetings. So I would defer to counsel in terms of
22 how would we be able to work off-line on this, versus
23 being able to present something to you which then could
24 be videoconferencing. I don't know how much one-on-one
25 or one-on-seven discussions we can have without --

1 COUNSEL LA FRANCHI: For example, I think this
2 envisions having a more or less final proposed draft to
3 the Commission in March or so for that hearing in the
4 spring, that spring meeting, however, there are going
5 to be several iterations. All of us on the working
6 team have already drafted bits and pieces that are
7 being looked at. So there is internal staff discussion
8 about how much detail we want. As Connie mentioned,
9 the tendency now is to get more information and then
10 begin to narrow it down.

11 If the Commission wished to begin to participate
12 sooner in narrowing that down than waiting for more or
13 less completed staff work in March, that could be
14 accomplished if the Division is comfortable working out
15 the staff details in doing that. But I don't see a way
16 that that can be done and preserve -- any submission in
17 the interim would become a public document, the public
18 would have to have an opportunity to review it.

19 So, for example, if next week you want to see
20 what do we have so far on natural resources and begin
21 to input into that, that would have to be made
22 available to the public, and the discussion of it would
23 have to be carried out in the public forum like this.
24 And it could be done electronically, teleconference,
25 those sorts of things. But the bottom line is it would

1 have to be done in a public forum. When we do these
2 internally under the Public Records Act, there are ways
3 to present preliminary drafts for public release. But
4 in the Commission context that is not possible because
5 of the public meeting rules.

6 DEPT. DIRECTOR GREENE: Is there a way, perhaps,
7 that we could identify a subcommittee that could work
8 with us on this? That might be something that we would
9 look at. If that was something that the Commission
10 wanted, that would enable us to have more time with the
11 staff and the two commissioners.

12 CHAIR WILLARD: That's what I was going to
13 suggest would be a good use of the subcommittee. I
14 want to be careful of not overburdening Division staff
15 with Commissioners asking questions or submitting
16 suggestions. So I think it would be good to go through
17 a subcommittee. I think this is important enough where
18 the chair should be one of the members of the
19 subcommittee. Is there someone else who wants to
20 assist?

21 COMMISSIONER SLAVIK: If nobody else raises
22 their hand.

23 CHAIR WILLARD: So Commissioner Slavik and
24 myself will be the subcommittee, and then we'll work
25 with you on moving forward. One on one, if a

1 Commissioner has a suggestions or a question, you can
2 always submit it to me. We can have one-on-one
3 dialogue, that's fine, right?

4 COUNSEL LA FRANCHI: Yes, if any of the
5 Commissioners have ideas of what they like to see, they
6 can forward that to the subcommittee.

7 CHAIR WILLARD: Yes, that's what I'm saying. So
8 if someone has an idea, you should send me an e-mail,
9 and then I'll collect those and deal with staff so we
10 can try to be efficient.

11 COMMISSIONER SLAVIK: So I'll go back to my
12 original comment. What mechanism would Gary and I use
13 to participate in this?

14 OHV STAFF LATHAM: I would perceive it as being
15 either via e-mail, via videoconferencing. You can sit
16 in on our project team meetings if you chose to do so.
17 I would perceive that as being open to whatever
18 involvement you would like.

19 CHAIR WILLARD: There is no reason why you and I
20 can't have a conference call with the Deputy Director,
21 for instance, to go over parts of this, her busy
22 schedule allowing.

23 COMMISSIONER SLAVIK: I was thinking more like
24 us seeing preliminary drafts somehow.

25 CHAIR WILLARD: I think we run into the problem

1 with the public documents.

2 COMMISSIONER SLAVIK: So that's a problem.

3 COUNSEL LA FRANCHI: No, the subcommittee idea
4 with just two members of the subcommittee, we can
5 figure out a way to exchange preliminary drafts or
6 pieces of it so you can be giving input.

7 CHAIR WILLARD: That would be a great thing.

8 DEPT. DIRECTOR GREENE: I would say in reference
9 to Commissioner Slavik's earlier comments about taking
10 the high road, keep in mind what we heard earlier, that
11 report was hundreds of thousands of dollars. It was
12 contracted out. So we need to be more thoughtful.
13 We'll do this internally. It will still be a very good
14 quality document for the Commission, but we don't
15 always want that to be the standard because that had
16 its own issues.

17 COMMISSIONER SLAVIK: Even that report for what
18 it cost and the involvement you had in it, that report
19 went probably world-wide. People from all over
20 received that report one way or another and were
21 influenced by it.

22 DEPT. DIRECTOR GREENE: Correct. We just want
23 to make sure that what we produce is accurate and
24 speaks clearly to the issues of the program.

25 COMMISSIONER LUEDER: Just quickly, two items

1 that I didn't see in that general outline. First being
2 the economic benefits of the program to the state
3 overall, I think is very important for the Legislature
4 to know. And I understand getting that data is
5 problematic, but making a good attempt to get as much
6 data as possible would be extremely helpful.

7 And, secondly, also a report on how much money
8 the program has contributed over the years to the
9 General Fund unwillingly and how much is owed.

10 OHV STAFF LATHAM: We intend to address that,
11 absolutely. Very good point. Thank you.

12 COMMISSIONER SLAVIK: Is there a section in
13 there addressing the threats to recreation?

14 CHAIR WILLARD: Loss of recreation opportunity,
15 closures.

16 OHV STAFF LATHAM: That's a very good point. We
17 have not identified that to be specifically addressed.
18 It absolutely will be added.

19 CHAIR WILLARD: Commissioners, if you don't have
20 any other comments, I'm going to open up to public
21 comment.

22 ED WALDHEIM: Ed Waldheim, CTUC. Thank you for
23 allowing us to comment on this. This is a document
24 that we have done, not necessarily in this format, in
25 the past, but we've always done biennial reports and

1 given them to the Legislature from the Commission. So
2 there is a history that we have done this. It's not
3 uncharted brand new ground.

4 The one thing I would like you to do, and
5 somebody talked about the economic validity of the OHV
6 program, if we can contact the Kern County tourism
7 folks, they have the numbers of what impact it has, and
8 I think there are some other counties. I don't know if
9 other counties have it as strong, but Kern County
10 definitely knows how much money OHV is bringing into
11 the county. It's a big, big driving force. The
12 California City is another one, so we can contact them.

13 Another thing also, I noticed when you're
14 talking about contacting the different agencies, I
15 would like to also offer the opportunity that we should
16 always be contacting those partners that the federal
17 agencies have, for example, the CTUC, Friends of
18 Jawbone, Friends of El Mirage, the ASAs of the world.
19 There are people out there that are helping the
20 agencies do this job so it's not only an agency that's
21 doing this work. A lot of us are participating, and I
22 would like to really highlight the importance of
23 volunteerism to this program and how viable it is.

24 And, lastly, thank you, Mr. Slavik, who brought
25 it up, the issue about the money. Please do not

1 forget, it was \$50 million they stole from us. We took
2 the government to court. We won \$25 million.
3 Pete Wilson appealed it, and then we lost that;
4 however, it's still on the books. There is \$25 million
5 still being carried on the books from the Department of
6 Finance that is owed to us. Add to that the
7 \$125 million that they stole from us this time, so
8 you've got close to \$150 million. I can't finish
9 El Mirage because we are bloody limited. It's
10 sickening what's happening. So these deficiencies
11 that's happening because of the removal of the money
12 from the Trust Fund, we need to really highlight that.
13 That has to be a real key; otherwise, we're wasting our
14 time. Thank you.

15 JOHN STEWART: Good afternoon, Commissioners,
16 John Stewart, California Association of 4-Wheel Drive
17 Clubs. The scope of this is quite large. Actually,
18 three points I'd like to address to make sure that are
19 not forgotten or overlooked in here. Somewhere I don't
20 see any reference to the snow program. Is the snow
21 program part of the OHV program at all? There does not
22 appear to be any reference to it.

23 DEPT. DIRECTOR GREENE: It's under planning.

24 JOHN STEWART: Okay. But then another point is
25 that if this is going to be apply to areas and trails

1 receiving state off-highway motor vehicle funds, I'd
2 like to see a delineation of where those places are
3 would be appropriate. In other words, a distinct
4 description of say number of miles of recreation
5 opportunity, or the type of recreation opportunity, and
6 how the funds are being used in that particular area.

7 And then, lastly, just kind of glancing through
8 this, yes, item number one talks about the results of
9 the strategic planning process completed pursuant to
10 subsection... but then looking at the outline, there is
11 really no clear definition or no clear point where the
12 goals and objectives of the strategic plan can be
13 broken out and tracked towards their completion. And I
14 think that's about all I have to say. This is going to
15 be a major undertaking, and I think it will be
16 important to the health of the program overall. Thank
17 you.

18 DAVE PICKETT: Dave Pickett, District 36.
19 Whatever you're paying Connie, it's not enough for this
20 monster. I like the outline that's here. It looks
21 like all of the bases are covered. Mr. Waldheim talked
22 about the economic impact to the state. I think we
23 need to really highlight that big time. But in the
24 same breath, we need to have in there under the status
25 of the program the litigation costs from folks that are

1 filing lawsuits against this wonderful program. And
2 it's unfortunate that we can't work things out, but
3 there are litigation costs attached to that. Whether
4 it's a rider going down or the current suit against
5 Carnegie, the Legislature needs to see what's happening
6 in there. And then instruct the folks, some of these
7 special events that take place in our SVRAs are
8 awesome. Many of you have been to Hangtown. Last
9 numbers I saw, that brought \$4.5 million to the
10 community of Sacramento. They came to town, watched
11 the races, left their money, and went home. It was
12 awesome.

13 CHAIR WILLARD: Mr. Tammone, before you speak,
14 you've filled out a request under the organization
15 heading, and you've been doing that as an individual.
16 I'm going to go ahead and give you the four minutes,
17 just give you the benefit of the doubt. But I'm going
18 to ask that at subsequent meetings, if you want to be
19 considered as an individual -- I'm not sure how we do
20 this, but I'm going to ask staff to try to figure out
21 your status as an organization or an individual.

22 TOM TAMMONE: I understand. I have previously
23 asked for a clarification on that.

24 CHAIR WILLARD: Excuse me, one other thing,
25 we've been having a hard time understanding you. I

1 think you need to move away from the mike. Your mouth
2 is right up against.

3 TOM TAMMONE: I'm sorry, probably an over
4 modulation issue. What I want to say about this,
5 Ed Waldheim alluded to it, we have -- I don't know if
6 this figure is right, \$112 million taken from our
7 program this year. I have asked previously where are
8 the budget change proposals and I've heard they weren't
9 required. I don't know the reason for that. But,
10 anyway, we need to have in this report an accounting as
11 to why this money was not spent. And at the same time
12 what we intend to do to change that so the money can be
13 spent and why we need it back now. It's a lot of
14 money. We lost it. Other than that, perhaps the grant
15 program -- I was talking about miles of opportunity.
16 There's no definition of what a mile -- how much is
17 opportunity. What I'm saying, I could set up a
18 one-acre course, the way this grant program is
19 structured, and say I have all levels of opportunity
20 for all types of vehicle and get full points, and I can
21 do this on an acre of land. So maybe we ought to put
22 some sort of mileage in there, some kind of way to go
23 along with what we're calling opportunity. Other than
24 that, thank you.

25 CHAIR WILLARD: Well, I think that's it for the

1 meeting. I want to again apologize for our
2 underestimating the amount of time we were going to
3 need to go through the business items. And I promise
4 that once we're back in Southern California, we'll have
5 the workshop component, and we will have enough time to
6 do it justice. Deputy Director, do you have any
7 finishing comments?

8 DEPT. DIRECTOR GREENE: Just for clarification
9 purposes for the record, the fund has been swept. It
10 was \$112 million, so Mr. Waldheim don't give away more
11 than we have to.

12 Thank you everybody, appreciate, again, all of
13 the staff yesterday with the San Bernardino Forest, the
14 Association, Commissioners, the public, and also would
15 like to thank our staff who did just a phenomenal job
16 trying to get everybody out.

17 CHAIR WILLARD: Thank you. I'm going to make a
18 motion to adjourn.

19 COMMISSIONER SLAVIK: Second.

20 CHAIR WILLARD: Call for the vote. Those in
21 favor?

22 (Commissioners simultaneously voted.)

23 CHAIR WILLARD: So moved.

24 (Meeting adjourned at 4:48 p.m.)
25